

Agenda

Planning Commission - Regular Meeting City and Borough of Juneau

September 28, 2021
Virtual Meeting Only
7:00 PM

This virtual meeting will be held by video and telephonic participation only. To join the webinar, paste this URL into your browser: <https://juneau.zoom.us/j/95338746937>. To participate telephonically, call: 1-346-248-7799 or 1-669-900-6833 or 1-253-215-8782 or 1-312-626-6799 or 1-929-436-2866 or 1-301-715-8592 and enter Webinar ID: 953 3874 6937.

I. ROLL CALL

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

A. August 10, 2021 Draft Minutes, Regular Planning Commission - APPROVED

B. August 24, 2021 Draft Minutes, Regular Planning Commission - APPROVED

IV. BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION

V. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

VI. ITEMS FOR RECONSIDERATION

VII. CONSENT AGENDA

VIII. UNFINISHED BUSINESS

A. VAR2021 0002: A Non-administrative Variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow new construction within the 50-foot, no-development and the 25-foot, no-disturbance buffer from Lemon Creek - FAILED TO GRANT

IX. REGULAR AGENDA

X. OTHER BUSINESS

A. Rules of Order - AMENDED AND CONTINUED TO OCTOBER 12, 2021 PLANNING COMMISSION

XI. STAFF REPORTS

XII. COMMITTEE REPORTS

XIII. LIAISON REPORT

**XIV.CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA
ITEMS**

XV. PLANNING COMMISSION COMMENTS AND QUESTIONS

XVIEXECUTIVE SESSION

XVISUPPLEMENTAL MATERIALS

A. Additional Materials for September 28, 2021 Planning Commission

XVIINDJOURNMENT

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

August 10, 2021 Draft Minutes, Regular Planning Commission - APPROVED

ATTACHMENTS:

	Description	Upload Date	Type
▣	August 10, 2021 Draft Minutes, Regular Planning Commission	9/17/2021	Minutes

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
August 10, 2021

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:02 P.M.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell; Erik Pedersen

Commissioners absent:

Staff present: Jill Maclean, CDD Director; Alexandra Pierce, CDD Planning Manager; Irene Gallion, CDD Planner; Teri Camery, CDD Planner; Sherry Layne, Law

Assembly members: Loren Jones; Carole Triem; Beth Weldon; Alicia Hughes-Skandijs

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA - None

III. APPROVAL OF MINUTES

A. Draft Minutes July 13, 2021 Planning Commission Committee of the Whole Meeting

MOTION: *by Mr. Voelckers to approve the July 13, 2021 Planning Commission Committee of the Whole Meeting minutes.*

B. Draft Minutes July 13, 2021 Planning Commission Special Meeting

MOTION: *by Mr. Voelckers to approve the July 13, 2021 Planning Commission Special Meeting minutes.*

C. Draft Minutes July 13, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the July 13, 2021 Planning Commission Regular Meeting minutes.*

IV. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Chair LeVine explained the rules for participating via Zoom format.

V. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

VI. **ITEMS FOR RECONSIDERATION** – None

VII. **CONSENT AGENDA** – None

VIII. **UNFINISHED BUSINESS** – None

IX. **REGULAR AGENDA**

AME2021 0009: Rezone from Industrial to General Commercial
Applicant: Bicknell, Inc. & GSA, LLC
Location: Honsinger Drive

Staff Recommendation

Staff recommends the Planning Commission adopt the Director's analysis and findings, and forward a recommendation of APPROVAL to the Assembly for the requested rezone from Industrial to GC on Honsinger Drive.

STAFF PRESENTATION by Planner Gallion

QUESTIONS FOR STAFF

Mr. Winchell asked if there are any agricultural activities in the area that would be prohibited. Ms. Gallion said agriculture is not explicitly prohibited so long as it is not an attractant to wildlife like birds or deer.

Mr. Arndt disclosed one of the applicants does engineering work for him but he has no financial involvement with this project and he can be fair and impartial. He was allowed to remain.

Mr. Arndt asked what is different now since when this came before the PC in 2013 there was a finding that GC is not appropriate for the area. Ms. Gallion explained the airport has expressed concern regarding excessive residential expansion in the area. Ms. Gallion felt the area is unlikely to be developed residentially. Ms. Maclean added CDD has the tools through the permit process

to mitigate the concerns regarding residential development. Given the health concerns and noise decibels in the area, it would be reasonable to deny a housing development.

Mr. Dye asked for clarification of what CDD could do for residential developments under twelve units. Ms. Maclean said the CDD staff seek agency comments and review even for permits approved at the Director level. For the lots in question, the FAA could prohibit them based on the health and decibel concerns noted.

Mr. LeVine asked if the location of the proposed GC in 2013 is identical to this proposal. Ms. Gallion said it is similar but there are some differences. It is a smaller area than the previous proposal.

Mr. Arndt noted the assembly has been pushing for industrial land and asked how CDD staff is weighing Assembly desires for industrial land with this proposal. Ms. Gallion answered this land is expensive and is not ideal for industrial uses and added the uses being considered by interested parties are largely industrial type uses with complementary office spaces which makes them more suited to GC than to purely industrial.

Mr. Dye asked if this rezone is relevant since the area is considered a rural reserve thoroughfare in the Comprehensive plan and any of the zoning districts apply. Ms. Gallion explained that while the area is being developed, we should be cautious of zoning districts that are not complementary. GC provides for a good transition between industrial and residential areas.

Mr. Dye said if they are using the Comp Plan idea of thoroughfare then why are lots 1 and 7 not included in the rezone when lots 13, 12, 11, and 10 are included when they don't seem to meet the description of a thoroughfare. Ms. Gallion said the lots are visible from the thoroughfare and lots 1 and 7 were left out in an attempt to create an industrial buffer.

QUESTIONS FOR APPLICANT

Spike Bicknell was available for questions.

Mr. Voelckers asked for a description of the types of parties interested in the property. Mr. Bicknell said there have been several potential buyers but not being able to have an office on-site is a deterrent for them. Mr. Arndt asked if there is an increasing demand for industrial properties. Mr. Bicknell said the interest is much more for General Commercial type activities than industrial.

Mr. Dye asked why lots 7, 8, and 9 are not included as GC. Mr. Bicknell said the uses for lots 7, 8, and 9 are undetermined and given their size and location, he would like to leave them open for now.

Mr. Winchell asked what types of uses are being thought of. Mr. Bicknell said they've had interest for real estate, vegetable farming, storefronts, and office buildings.

Mr. Dye asked if there was an issue with rezoning lots 7, 8, and 9 to GC. Mr. Bicknell said Lot 9 has been sold and the buyer does not want to be included in this rezone proposal. Mr. Dye asked if it would be acceptable if lots 2, 12, 13 stayed industrial and 7, 8, 9 were GC. Mr. Bicknell thought 13 would be ok but pointed out that lot 2 is road frontage.

PUBLIC COMMENT

Garret Gladsjo – 8890 Cedar Court – owns Lot 10 in the proposed rezone and wanted to voice his support for the rezone.

Mr. Dye asked Mr. Gladsjo if he was aware at the time of purchase that his lot was Industrial and not GC. He said yes, he was aware.

Barbara Sheinberg – 739 Fifth Street – is in support but would like to see conditions added requiring vegetative buffering between Egan Expressway and the lots in question.

COMMISSIONER DISCUSSION

Mr. Voelckers spoke to Ms. Sheinberg's suggestion regarding buffering saying he seemed to remember there was concern that it would attract wildlife to the airport area and asked if that had come up. Ms. Gallion said there are vegetative requirements for buffering at 5% coverage for industrial and 10% for GC. She added the time for vegetative buffering requirements would come up as part of the conditional use permit process. The main concern would be choosing plants that were not attractants for deer or birds. Ms. Maclean reminded the PC that on rezones they can only make conditions related to public safety or health and wellness. For example, infrastructure, or water/sewer improvements can be conditioned but not vegetative cover, landscaping or design elements.

Mr. Winchell asked what sort of restrictions would be necessary considering office spaces based on the decibel map and noise levels. Ms. Maclean said that issue would come up at the permitting phase. She added there are many offices and employees on-site at the airport now.

MOTION: *by Mr. Dye to accept staff's findings, analysis and recommendations and approve AME2021 0009 with changes to the boundaries of the rezone citing staff findings related to the*

decibel map to exclude Lots 2, 12, 13 and for consistency with buffering to exclude Lot 10 and include Lots 7 and 8 in the General Commercial rezone to offset the loss of frontage and area to be consistent with what the applicant spoke to in terms of percentages.

Mr. Winchell likes Mr. Dye's motion but he thinks the issues he has would be taken up at time of permitting.

Mr. Dye explained the reason to exclude Lots 10 and 11 was because it would create a small jutting of GC into the industrial zone. He added it is too bad the owner of Lot 9 is not interested in the rezone because that would make more sense than the jagged zone lines being created. The effective rezone would be lots 3, 4, 5, 6, 7, and 8.

Ms. Cole expressed concerns about excluding lot 9 based on the owner's preference while not changing zoning on other lots that the owners did want changed. Mr. Dye answered that the owners knew what the zoning was when they bought it.

Mr. LeVine asked if there is an issue with the PC proposing rezoning to the Assembly of more than the applicant is seeking. Mr. Dye said as he understands it, members of the public can request a rezone up to twice per year but the Commission can initiate the process at any time. Based on this interpretation, he feels comfortable with his motion. Ms. Layne agreed with Mr. Dye that the Code does say the PC can initiate a rezone.

Mr. Hickok asked for Mr. Dye's reasoning for excluding the lots from the rezone. Mr. Dye explained Lot 13 is currently in the 65-70 decibel area and the modeling shows decibel levels up to 65-70 for the other excluded lots. He added lots 7 and 8 to balance out the area excluded.

Mr. Arndt agreed that he did not like the jagged zoning but he did not agree with rezoning some of the lots as requested but not all of them and then rezoning lots against the wishes of the owner.

Mr. Pedersen said if this was the case, then they could also rezone lot 9.

Mr. Winchell asked again for the reasoning for removing Lot 9. Mr. Dye said he excluded Lot 9 because it was not included in the original request and the owner had been approached but did not want to be rezoned.

Roll Call Vote

Yea: Dye, Alper, Voelckers, LeVine

No: Winchell, Hickok, Pedersen, Cole, Arndt

Motion fails 4 - 5

MOTION: *by Mr. Arndt to accept staff's findings, analysis and recommendations and approve AME2021 0009 with changes to the boundaries of the rezone to include Lots 3-11 in the change to GC and leaving the others Industrial and referenced staff findings and those expressed by Mr. Dye in his motion.*

Ms. Cole asked Mr. Dye's opinion of rezoning Lot 9. Mr. Dye said the owner of Lot 9 will have opportunity to petition the assembly if he does not want this change.

Mr. Alper asked if the motion was made with noise in mind. Mr. Arndt said that the noise map is why he excluded the lots he did.

Ms. Maclean asked for findings on the motion. Mr. Arndt referenced Mr. Dye's findings and added Lot 7 has approximately the same amount of highway frontage as lots 5 and 6 and it makes sense that they should be subject to similar visual conditions regarding vegetative cover.

Mr. Voelckers and Mr. Dye spoke to say they support the motion. Mr. Winchell said this is well thought out and he supports it.

Mr. Hickok said he will be a no vote saying he does not see why the PC is rezoning lots to GC when they were purchased as industrial. Mr. Dye said he does not think rezones only happen during sales transactions nor does he think it is abnormal for rezones to happen without a change in ownership.

Roll Call Vote

Yea: Arndt, Cole, Pedersen, Alper, Winchell, Voelckers, Dye, LeVine

No: Hickok

Motion passed 8 - 1

At Ease 8:13 P.M. – 8:22 P.M.

AME2021 0008: An ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment

Applicant: City & Borough of Juneau

Location: Borough-wide

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the ordinance change to update CBJ 49.15.330(g)(9), Conditional Use Permit, 49.70.210, Hillside Development, and 49.70.300, Landslide and Avalanche Areas, to adopt the May 28, 2021 Downtown Juneau Landslide and Avalanche Assessment.

STAFF PRESENTATION by Planner Camery

QUESTIONS FOR STAFF

Ms. Cole disclosed she is involved with the organization AWARE and they are directly affected by the map revisions in this proposal. She has no financial interest and can be impartial and was allowed to remain.

Mr. LeVine disclosed he owns a home that would be affected by the new maps. He feels he can be impartial and was allowed to remain.

Mr. Voelckers asked Ms. Camery to clarify if they were to adopt the new maps and findings now and then adopt regulations later, would the maps be utilized with the regulations currently in place. Ms. Camery said the only changes immediately would be to apply the development restrictions to the severe and high landslide areas.

Mr. Dye noted the maps and pages in the packet were marked 'issued for review third draft' and asked how issued for review compares with the final maps. Ms. Camery said if no final revisions are made then they will just remove the verbiage and update the dates.

APPLICANT PRESENTATION - Tetra Tech Consultants presenting were:

- Alan Jones, M.Sc., P.Eng., P.E., Senior Avalanche Specialist for Dynamic Avalanche Consulting;
- Rita Kors-Olthof, P.E., P.Eng, Overall Technical Lead and Senior Landslide Specialist
- Vladislav Roujanski, Ph.D., P.Geol., Project Manager and Landslide Hazard Assessment Lead
- Shirley McCuaig, Ph.D., P.Geol, Senior Geohazards Specialist

Mr. Jones presented saying his work was to map the avalanche hazard designations and to identify avalanche paths in the study area. He identified and classified fifty-two avalanche paths as Severe, Moderate, or Low hazard areas.

Rita Kors Olthof gave an overview of the mapping process and explained the hazard zone designations.

QUESTIONS FOR APPLICANT OR STAFF

Mr. Arndt asked about the return periods for avalanches and landslides and how the standards they used compare to industry standards for flooding and seismic hazards. Ms. Kors-Olthof answered saying it is difficult to define frequency and magnitude for landslides because of the variability. They would need to conduct a magnitude and frequency analysis to determine that

and it was not included in the project. In lieu of that, they determined activity level using air photos. Mr. Jones said for avalanches, the industry best practice is to look at thirty- to three-hundred-year return periods. They accomplish this using a modeling and other techniques. Ms. McCuaig added landslides are complex and require intensive work.

Mr. Voelckers asked if there had been comparisons with other communities or is Juneau unique in the number of residences in hazard areas. Alan Jones said the topography of Juneau makes it unique. Ms. McCuaig said it is common for residences to be developed on colluvial and fluvial deposits as those are often the flattest areas of a valley and sometimes the only land available.

Mr. Winchell asked what are the triggering events that would allow someone to assess the level of hazard. Ms. McCuaig said debris flows from saturated ground, heavy rainstorm, earthquakes, and other events are common triggers for landslides.

Mr. Voelckers asked if they felt Juneau has invested enough in hazard study or should they do more before coming to conclusions. Mr. Jones said certainly a lot more 'could' be done but it would be very costly.

Mr. Roujanski said they have been criticized for not doing landslide modeling but for proper modeling you need to drill for cores and this is quite expensive and the results would most likely be very comparable to the conclusions presented here.

Mr. Winchell asked what sort of low tech or common-sense methods locals or CBJ could do to mitigate or monitor the hazards. Mr. Roujanski said ongoing monitoring of what's going on above the houses and of ground water would be important. He suggested drone-based LIDAR monitoring would be useful. Ms. McCuaig suggested drainage improvements of the area would help for debris slides and debris flows, but would likely be less useful for rockfall areas.

Ms. Cole asked CDD Staff to speak to the restrictions that will be put in place on the High and Severe properties. Ms. Camery said the restriction would be on increases in density citing Title 49.70.300(b)(1) and (2).

Mr. Alper said the landslide methodology seemed based on observations and avalanche methodology was based more on mathematical forecasting and asked if and why that was the case. Additionally, he asked for clarification to the criteria for severe avalanche hazard. Specifically, he asked if it is frequency **AND** impact pressure or is it frequency **OR** impact pressure. Mr. Jones said it is **OR**. An avalanche with over 600 pound of pressure per square feet or with a

return frequency of less than 30 years would create a severe hazard. As for the methodologies, observational data is an effective way to study landslides whereas avalanches analysis is more data based.

At Ease 9:45 P.M. – 9:47 P.M.

PUBLIC COMMENT

Michael Janes, Juneau – Mr. Janes is an avalanche forecaster with fifteen years of experience with avalanche mapping and mitigation. He said this study is important and needed but he thinks it could have been done better. He felt the timeframe for public comments was not enough considering the amount of information in the study. He pointed out that AELP, DOT, and other information sources were not consulted that should have been.

Mr. Winchell asked for Mr. Janes thoughts on LIDAR drones for monitoring and how open would his employer, AELP, be to sharing its avalanche data with CBJ or with the avalanche consultants. Mr. Janes said he thought AELP would be open to information sharing. He has used LIDAR to measure snow depths. He felt snow depth information should have been included in the study.

Casey Loofburrow, Spruce Street – Mr. Loofburrow is a geologist with experience in hill slope processes and does not agree with the assessment. His home is one of the ones that would be categorized Moderate. He would like to see the scientific explanation as to how his property is mapped as moderate when JDHS is not mapped at risk at all.

Steve Soenksen – Mr. Soenksen is a design-build contractor and said aspects of the study are vague and said the CBJ is culpable for some of the hazard zones based on the history of logging. He said any hazard zone on private property is wrong and should be changed to reflect that the hazards exist on public property.

Emily Haynes, 1772 Dimond Drive – Ms. Haynes spoke in support of new mapping but she does not support adopting these maps without looking at the impact on the affected properties.

Matt Voelckers, 228 Highland Drive – Mr. Voelckers thinks this is important work but he questioned the results. He said the landslides issue seems to show small rock and debris slides as risks even though they are not life threatening.

Teresa Yvette Soutiere, 634 6th Street – Ms. Soutiere’s home is in the zone. She said the maps are hard to decipher and the process felt rushed and she did not have enough time.

Shawn Eisele , 606 6th Street – Mr. Eisele said this meeting is the first chance for the public input and people should have had more say along the process.

Sally Schlichting, owner of 419 and 421 Kennedy Street – Ms. Schlichting said both of her houses have been moved to higher risks than before. She said residents need more time to be aware of the process and asked for a fuller conversation for discussion of effects on homeowners and mitigation steps to take.

Glenn Merrill, 603 4th Street – Mr. Merrill said the public needs more time to understand the issue and he perceived a problem in the working of the ordinance. As he reads it, the ordinance would allow the construction of a new four-bedroom home on a vacant lot but would not allow four homeowners to each add a single bedroom to their homes.

Olivia Sinaiko, 615 E Street – Ms. Sinaiko said her property moves from no risk to severe landslide risk designation. She said the landslide designation can be misleading. A severe landslide designation could mean risk of rock fall or mud and debris slides but it does not address actual risks to harm.

Norman Cohen, 739 Fifth Street – Mr. Cohen echoed previous testimony saying this is moving quickly and public needs time and asked they postpone taking action.

Bill Leighty, 227 Gastineau Avenue -- Mr. Leighty questioned the process of passing the ordinance now and making regulations later. He felt they should go jointly. He felt the Tetra Tech work was well done and the resulting information was adequate saying greater precision resolution is not needed and would be expensive and would not decrease risk.

ADDITIONAL APPLICANT COMMENTS

Ms. Pierce responded to testimony saying this work was funded by a grant from FEMA with a limited scope only for the mapping. There is additional funding available for the regulatory work but FEMA may not award the second grant until the maps are adopted.

COMMISSIONER DISCUSSION/Questions for Staff

Mr. Winchell asked the Tetra Tech team if their analysis could benefit from working with the AELP data. Mr. Jones said he would certainly be happy to talk with AELP but reminded the PC of the

various data sources they did use. Mr. Jones said that there is a limit to how much information can be processed and how much is useful. They utilized aerial photos dating back to the 1960's. He added that they had also reached out to DOT but received no response.

Mr. Hickok asked Staff if the PC approves the Ordinance, how would that affect property owners in the area in regard to insurance requirements and financing abilities. Ms. Pierce said CDD does not know what the effect will be from the maps to insurance and property values or how the market will be affected but homes already in high hazard areas are selling. Further public process and evaluation is not within the scope of the grant that funded this project.

Mr. Dye referred to table 1.4 in the report asking if the high and severe landslide areas are likely to cause loss of life or property damage. Ms. McCuaig said the Severe level could have a history that includes loss of life and high level was less likely to have that history but could have property damage. The high hazard landslide zones are areas with evidence of rockfall that does not necessarily knock over trees.

Mr. Arndt asked why one section of the proposed ordinance prohibited adding bedrooms and another just prohibited any addition. Ms. Maclean said they were intended to read "by additions, conversions of buildings, or otherwise" that would increase density. Ms. Maclean added the intent is to not create an additional unit.

Mr. Pedersen said he looked at the 1987 maps and asked if Staff had looked at those maps and how long the process took then. Ms. Camery said she did not. Ms. Pierce said the maps were based on work conducted in the 1970s.

Ms. Cole asked if you are not allowed to increase density, then why is building a new house on a vacant lot allowed. Ms. Pierce answered that legally if you own a property you are entitled to build a single-family home on that property. She reminded the PC that the purpose of the process at this meeting is to review and approve the maps and forward them to the Assembly where it will be extensively reviewed when it comes before the Committee of the Whole, the Lands Committee and again at a full Assembly meeting. Ms. Maclean stated the new construction is allowed because to deny that would constitute a taking.

Mr. Dye asked how to limit increases in density when accessory apartments do not count toward density. Ms. Pierce said the intent was to preclude accessory apartments and said they could specify "accessory apartments" in the verbiage of the ordinance.

Ms. Cole expressed concerns about how this will affect owners of properties being added to the hazard zones. Ms. Maclean said it is not unusual for areas to be rezoned and those rezones also affect property owners.

MOTION: *by Mr. Voelckers to forward **AME2021 0008** to the Assembly for direction on next steps for an appropriate community review and adoption process, including funding for steps which are deemed necessary. New Landslide and avalanche hazard mapping and study results should be held without adoption, pending development of associated hazard zone policies and regulations.*

Mr. Voelckers spoke to his motion saying the potential impact on downtown Juneau residences from the maps is substantial and they have raised numerous concerns. He believes more analysis is required. He is proposing an eight-month period to inform the community, receive additional public input, and collect information to allow the PC to approve hazard regulations and maps to be forwarded to the Assembly for adoption.

Mr. Winchell supports the motion and asked Mr. Voelckers to consider adding LIDAR verbiage.

Mr. Dye spoke against the motion saying it is not their place to require specific budgetary outlays. Further, the decision of whether to adopt this now or in tandem with regulation is a question for the Assembly to make. He felt their job at this meeting was to decide whether to support amending the maps based on new data presented tonight.

Mr. Alper spoke supporting the motion saying he is not comfortable forwarding the maps as presented saying there are too many unknowns for so many affected property owners.

Mr. Winchell spoke for the record that he has grave concerns of encumbering properties with high and severe designations.

Mr. Arndt spoke against the motion saying more time is not going to change the science. If they vote tonight to delay the process, the maps likely will not change. He said there are several assembly members watching the meeting and they have seen the concerns of the public and the intent of the PC by watching and listening to the discussion tonight.

Mr. LeVine spoke to say he has serious concerns for property owners who will be impacted. He said he supports Mr. Voelckers' motion but would also support an alternative motion to adopt the maps while delaying any policy changes until there is a fully formed legislative proposal. He was less concerned with the accuracy of the maps but very concerned with the affects on property owners without giving those owners full opportunity to become aware and understand the implications of this change.

Roll Call Vote

Yea: Voelckers, Winchell, Alper, Cole, LeVine

No: Hickok, Pedersen, Arndt, Dye

Motion passed 5-4

X. **BOARD OF ADJUSTMENT** – None

XI. **OTHER BUSINESS** – None

XII. **STAFF REPORTS**

Ms. Maclean asked members to check their emails and confirm their attendance for an upcoming Title 49 meeting.

XIII. **COMMITTEE REPORTS** – None

XIV. **LIAISON REPORTS** – None

XV. **CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

XVI. **PLANNING COMMISSION COMMENTS AND QUESTIONS** – None

XVII. **EXECUTIVE SESSION** – None

XVIII. **ADJOURNMENT** – 10:59 P.M.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

August 24, 2021 Draft Minutes, Regular Planning Commission - APPROVED

ATTACHMENTS:

	Description	Upload Date	Type
▣	August 24, 2021 Draft Minutes, Regular Planning Commission	9/7/2021	Minutes

Minutes
Planning Commission
Regular Meeting
CITY AND BOROUGH OF JUNEAU
Michael LeVine, Chairman
August 24, 2021

I. ROLL CALL

Michael LeVine, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held virtually via Zoom Webinar and telephonically, to order at 7:02 P.M.

Commissioners present: All Commissioners present via video conferencing – Michael LeVine, Chairman; Nathaniel Dye, Vice Chairman; Paul Voelckers, Clerk; Travis Arndt, Deputy Clerk; Ken Alper; Dan Hickok; Mandy Cole; Josh Winchell; Erik Pedersen

Commissioners absent:

Staff present: Jill Maclean, CDD Director; Teri Camery, CDD Senior Planner

Assembly members: Loren Jones

MOTION: *by Mr. Dye to suspend the rules to follow Covid protocols.*

MOTION: *by Mr. Dye to extend the suspension through December 31, 2021.*

II. REQUEST FOR AGENDA CHANGES AND APPROVAL OF AGENDA – None

III. APPROVAL OF MINUTES

A. Draft Minutes June 8, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the June 8, 2021 Planning Commission Regular Meeting minutes.*

B. Draft Minutes July 27, 2021 Planning Commission Regular Meeting

MOTION: *by Mr. Voelckers to approve the July 27, 2021 Planning Commission Regular Meeting minutes.*

IV. **BRIEF REVIEW OF THE RULES FOR PUBLIC PARTICIPATION** – Chairman LeVine briefly explained the rules and processes for participating via Zoom format.

V. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS** – None

VI. **ITEMS FOR RECONSIDERATION** – None

VII. **CONSENT AGENDA** – None

VIII. **UNFINISHED BUSINESS** – None

At Ease 7:08 P.M. – 7:10 P.M.

IX. **REGULAR AGENDA**

Prior to presentation of **USE2021 0007**, Mr. LeVine declared a conflict and recused himself. Vice Chairman Dye took over the meeting at this point.

USE2021 0007: A Conditional Use Permit for an aquatic plant farm
Applicant: Brian P. Delay
Location: Lena Cove, Favorite Channel (approximate location)

Staff Recommendation

Staff recommends that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of an aquatic plant farm at Lena Cove.

The approval is subject to the following conditions:

- ~~1. The Conditional Use Permit shall expire on March 11, 2031.~~
- ~~2. Any significant expansion in the intensity, footprint, noise, or other impacts of the operation, as determined by the CDD Director, shall be subject to a new Conditional Use Permit or a modification of this Conditional Use Permit.~~
- ~~3. A Floodplain Development Permit shall be required before development occurs.~~
4. Beaches surrounding the project site shall be patrolled by the applicant on a regular basis to retrieve any garbage or debris from the operation. If debris from the operation washes onto shore, it shall be removed within 48 hours, or as soon as safely or practically possible.

STAFF PRESENTATION by Teri Camery

QUESTIONS FOR STAFF

Mr. Voelckers asked whether the analysis letter from the US Forest Service opposing the project was solicited and if it has any bearing on this case. Ms. Maclean said the letter was part of the applicant packet submitted by the State and she did not know why forest service would have been consulted.

Mr. Winchell asked for a definition of what sort of debris would be included in recommendation #3, specifically, if it would include biological matter as well as nonbiological/inorganic matter. Ms. Camery referred the question to the applicant.

Mr. Pedersen asked how it was determined that this would need a conditional review based on the zoning. Ms. Camery explained this development would take on the zoning of the upland properties. Those are D1 and D3, both of which require conditional use permits for mariculture developments. Ms. Maclean cited Title 49.25.120 *Districts adjoining water or tidelands - Areas under water or tidelands which are not shown as included within any district shall be subject to the regulation of the adjacent district.*

Mr. Arndt remembered a shellfish operation was approved a few years ago with no sunset date but this project names a 10-year sunset and asked why this one would have it if the previous one does not. Ms. Camery said this is a different type of development and is visible to a neighborhood, which the other was not. Mr. Arndt asked if the lease received the automatic lease renewal, would they have to come back for another permit. Staff clarified it would not be a new permit, but an extension of the permit if awarded tonight.

Mr. Dye asked what the extension would look like. Specifically, would it automatically continue as is or would the PC have the ability to alter or deny the permit at that point. Ms. Maclean explained that would depend on whether the applicant changed or modified the operation or if there were any changes in Code that would need to be addressed.

Ms. Cole asked what would happen if the expiration and extension conditions were removed. Ms. Maclean reminded the Commission that without an expiration date, the permit runs with the land.

Mr. Dye followed up asking if they might be setting precedent by tying the sunset of the permit to the lease dates. Ms. Maclean explained because the project is in shared public waters in a cove with multiple users, the sunset dates are appropriate.

APPLICANT PRESENTATION Brian Delay explained his vision for the project as a kelp farm for Juneau and was available for questions.

QUESTIONS FOR APPLICANT

Mr. Winchell asked about the debris mentioned in the contract and whether it would include biological matter or if it was limited to the lines and anchor and other inorganic debris only. Mr. Delay was not certain how the state would define 'debris' but whatever the state decides, he would follow. Mr. Winchell asked how much mass and weight would be produced by February if the seeding were to begin in October and how it would affect the anchors and lines during winter storms. Mr. Delay estimated 15,000 to 25,000 pounds in total with different species growing at different depths.

Mr. Arndt asked if the line would sink or float if it broke free and with it installed seven feet below the surface, would vessels be able to go across or would they have to go around the area. Mr. Delay said the line would float if it broke free and would be affixed and installed to be at least seven feet below the surface in a negative four tide making it so a vessel could safely cross between the buoys at any time and any tide.

Ms. Cole asked the applicant for his thoughts on the ten-year expiration and extension option asking what his plans were when that time comes. Mr. Delay said he does not expect to be expanding in this location. Rather, this is just a starting point for him.

Mr. Voelckers asked if there would be any issue with harvesting the kelp around the timing of herring spawning and DIPAC activities. Mr. Delay said he would plan to harvest prior to herring spawning saying if they missed that window, it would be a loss for him but a win for the herring.

PUBLIC COMMENT

Anthony Gharrett, Lena Cove – Spoke against the project stating concerns with the lack of an engineering report, size of anchors that will be required, depth or substrate that will be required to anchor the project, size and number of buoys, how the lines will be cleaned and what will happen with the debris from the cleaning, and the lack of alternative site options.

Alec Mesdag, Montana Creek Road – Spoke in support of the permit and said tying the expiration permit to the lease is problematic.

Mr. Winchell asked Mr. Mesdag what he considered marketability of these products. Mr. Mesdag did not have an opinion on kelp. His wife owns an oyster farm and she is just starting to see success with that.

Barbara Shepherd, Lena Loop – Ms. Shepherd felt there may not have been enough time given for public comment and would have preferred more time be available. She asked if the rights to the project are transferable.

Jessica Gharrett Lena Cove – Had concerns about what would happen if the applicant decided the project was not viable and abandoned it or who the nearby residents could complain to if there was a problem with the project. Ms. Gharrett was concerned the kelp might attract foreign marine life such as urchins to the area.

Mr. Winchell asked if the location was her major concern. Ms. Gharrett agreed.

Gerry Donohoe Lena Beach – Spoke to say his main concern is the gear might end up on Forest Service beach land. He is in support of a kelp farm but not in this location.

Mr. Winchell asked if anybody has moored their boats in the cove over the winter and how do they fare. Mr. Donohoe said boats have to be moved from the cove before winter or they will end up on the beach.

ADDITIONAL APPLICANT COMMENTS

Mr. Delay replied to the public comments saying he is proposing to use 500-pound anchors, which will be strong enough to hold during storms. The seeds will be sourced in accordance with ADFG and will come from within 50 kilometers by boat from the site.

At Ease 8:30 P.M. – 8:35 P.M. due to technical difficulties

Addressing transferability of the lease and expansion of the project, he does not expect to expand in this area nor does he expect to transfer the lease. He sees Lena as a starting point but not as the future of mariculture.

COMMISSIONER QUESTIONS FOR APPLICANT

Mr. Voelckers asked Mr. Delay to elaborate on how the high energy of winter storms and wave action would be advantageous to the project. Mr. Delay said many kelp species prefer high-energy zones and having the gear so far below the surface will keep it well protected.

Mr. Winchell asked in the case that this becomes successful and profitable and expansion is an option, what areas would he be considering. Mr. Delay said he had looked at Barlow Cove but it is not an ideal location.

Mr. Hickok asked if there was any concern with the aesthetic of the farm and if it would be an eyesore. Mr. Delay agreed that other farms are not nice to look at but this project is designed specifically with that in mind and he has taken steps to mitigate that concern.

Mr. Dye asked if the expiration date would be a problem and would he prefer not to have to reapply for the permit in 10 years. Mr. Delay said he is all for less rules but having checks and balances and giving the public the opportunity for input is important, too.

COMMISSIONER QUESTIONS FOR STAFF

Mr. Voelckers asked for clarification on the question posed by Barbara Shepherd about who to contact with complaints or concerns. Ms. Maclean said for code enforcement, they would call CDD and for any violations of state ordinances, they would call DNR.

Mr. Pedersen asked if the DIPAC pen also had a CUP. Ms. Camery said the DIPAC operation has been in place for a long time and she is not sure of the original permitting but when they have expansions, those can require permits.

MOTION: *by Ms. Cole to accept staff's findings, analysis and recommendations and approve USE2021 0007 deleting Conditions 1 and 3.*

Mr. Winchell spoke in support of the project. Mr. Winchell supports the project but does not support removing the Condition.

Mr. Pedersen does not support the motion saying he does not believe the permit is required in the code.

Mr. Arndt said he supports the motion and added that, while he understands Mr. Pedersen's concerns, he felt that opposing the motion would be more of a detriment to the applicant than to the process.

MOTION TO AMEND: *by Mr. Arndt to delete Condition reading "Any significant expansion in the intensity, footprint, noise, or other impacts of the operation, as determined by the CDD Director, shall be subject to a new Conditional Use Permit or a modification of this Conditional Use Permit." Saying that it is already in code and would be redundant to include it as a condition.*

Ms. Cole and Mr. Dye spoke in support of Mr. Arndt's amendment.

Roll Call Vote on Motion to Amend

YEA: Arndt; Cole; Pedersen; Hickok; Alper; Winchell; Voelckers; Dye

NAY:

The motion to amend passed with no objection.

Ms. Maclean spoke to Mr. Pedersen's concerns and explained that aquaculture has grown to include algae and kelp and is covered under Title 49.

Mr. Winchell spoke to the motion and Ms. Maclean's explanation saying the Conditional Use Permit along with the oversight of the neighbors work in favor for the project.

Ms. Cole was sympathetic to Mr. Voelckers' concerns regarding removing the condition with the expiration date but felt it could set a precedent with unintended consequences.

Mr. Dye spoke in support of the motion saying it is good to see innovative ways to create industry and diversify Juneau's economy.

Mr. Hickok spoke against the motion saying he supports the project but it is considered farming, which would be industrial and this is the wrong place for it.

Roll Call Vote on Amended Motion

YEA: Cole; Alper; Winchell; Arndt; Dye

NAY: Pedersen; Hickok; Voelckers;

The amended motion passed 5-3.

Mr. LeVine returned to the meeting as Chair.

X. BOARD OF ADJUSTMENT – None

XI. OTHER BUSINESS – None

XII. STAFF REPORTS –

Ms. Maclean reported:

- The Assembly repealed lot depth from the table of dimensional standards and CDD staff is in process of contacting affected applicants.
- NC and MU3 zoning districts have gone to the Lands, Housing and Economic Development committee.
- CDD has hired two new planners.
- Assembly joint meeting Monday evening.

XIII. COMMITTEE REPORTS

Mr. Dye reported:

- Title 49 meeting Thursday at Noon to discuss parking and signs.

XIV. LIAISON REPORTS – Mr. Jones reported-

- North Douglas zoning was reconsidered and has been referred to the Assembly COW.

- August 30 and September 20 are the last COW meetings prior to the election.
- The PC is now the Board of Adjustment as well.
- The extension of the ADOD passed.

Mr. Voelckers asked how much time the PC would have with the Assembly. Mr. Jones said normally they try to keep those to an hour, but considering the other items on the agenda for that meeting, it may go over.

XV. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS – None

XVI. PLANNING COMMISSION COMMENTS AND QUESTIONS – None

XVII. EXECUTIVE SESSION – None

XVIII. ADJOURNMENT – 9:17 P.M.

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

VAR2021 0002: A Non-administrative Variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow new construction within the 50-foot, no-development and the 25-foot, no-disturbance buffer from Lemon Creek -
FAILED TO GRANT

AGENDA ITEM:

Case No.: VAR2021 0002

Applicant: Northern Lights Development

Location: 1940 & 1941 Anka Street

Proposal: A Non-administrative Variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow new construction within the 50-foot, no-development and the 25-foot, no-disturbance buffer from Lemon Creek

RECOMMENDATION:

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested non-administrative variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow new construction within the 50-foot, no-development and 25-foot, no-disturbance buffer from Lemon Creek, as shown on the project site plan submitted with the application.

The approval is subject to the following conditions:

1. There shall be no disturbance or removal of vegetation below the top of the bank of Lemon Creek, including limbing of the trees that grow along the bank.

ATTACHMENTS:

	Description	Upload Date	Type
▣	Staff Report from June 22, 2021 Planning Commission Meeting	8/27/2021	Staff Report
▣	Public Notice for Reconsideration of VAR2021 0002	8/27/2021	Public Notice Announcement



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/CDD

155 S. Seward Street • Juneau, AK 99801

DATE: June 14, 2021
TO: Michael LeVine, Chair, Board of Adjustment
BY: Laurel Christian, Planner II *Laurel Christian*
THROUGH: Jill Maclean, Director, AICP

PROPOSAL: Applicant requests a Non-administrative Variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow construction within the 50-foot, no-development and 25-foot, no-disturbance buffer from Lemon Creek

STAFF RECOMMENDATION: Approval with conditions.

KEY CONSIDERATIONS FOR REVIEW:

- Lemon Creek is an anadromous waterbody; development buffers apply.
- Enforcement of ordinances creates undue hardship resulting from special conditions of the property.
- Hardship is not self-created.

GENERAL INFORMATION

Property Owner	Jeffrey & Karen Wright
Applicant	Northern Lights Development
Property Address	1940 & 1941 Anka Street
Legal Description	RSH III Lot 10 & 11
Parcel Number	5B1201330100 & 5B1201330110
Zoning	Industrial
Lot Size	4,544 square feet & 4,418 square feet
Water/Sewer	Public
Access	Anka Street
Existing Land Use	Vacant
Associated Applications	NA

ALTERNATIVE ACTIONS:

1. **Deny:** deny the permit and adopt new findings for items 1-2 below that support the denial.
2. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - o 49.20.240
 - o 49.20.250(b)
 - o 49.70.310
 - o 49.80

The Commission shall hear and decide the case per 49.20.240. The board of adjustment shall hear all variance requests except administrative variances, and shall either approve, conditionally approve, modify or deny the request based on the criteria in section 49.20.250(b).

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North	Lemon Creek
South	Anka Street
East (I)	Restaurant with Caretaker Unit
West (I)	Vacant

SITE FEATURES	
Anadromous	YES
Flood Zone	YES
Hazard	NONE
Hillside	YES
Wetlands	NONE
Parking District	NONE
Historic District	NONE
Overlay Districts	NONE

BACKGROUND INFORMATION

Project Description – The applicant requests a Non-administrative Variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow new construction within the 50-foot, no-development and 25-foot, no-disturbance buffer from Lemon Creek.

In order to grant a variance, the Board of Adjustment must determine that [CBJ 49.20.250(b)]:

- (A) Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property;*
- (B) The unusual or special conditions of the property are not caused by the person seeking the variance;*
- (C) The grant of the variance is not detrimental to public health, safety, or welfare; and*
- (D) The grant of the variance is narrowly tailored to relieve the hardship.*

The need for the variance must be based on a naturally-occurring peculiarity of the lot. A variance provides a “safety valve” for a land owner who would suffer undue hardship from literal application of zoning rules.

Background – The table below summarizes relevant history for the lots.

Item	Summary
Platting History	The lots were platted in 2002 through the R.S.H Subdivision II (Plat 2002-12). The plat establishes a 10-foot utility easement along the front lot line.
Variance History	The lots received variances to the required stream buffer in 2003 (VAR2003 08 and 09). No building permits were issued; the variances expired in 2004.

ANALYSIS

Project Site – The lots are located in an Industrial zoning district and are situated along Lemon Creek. Each lot is approximately 42 feet in width and 109 feet in depth, exceeding the minimum dimensions required for the zoning district. The lots are flat along the frontage of Anka Street and having approximately 45 percent slope at the rear, on the bankside of Lemon Creek.

Lemon Creek is an anadromous waterbody, according to the 2013 Comprehensive Plan. Development buffers from anadromous waterbodies are required by CBJ Title 49.70.310:

(a) Development in the following areas is prohibited:

(1) On Benjamin Island within the Steller sea lion habitat;

(2) Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(3) Within 50 feet of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.

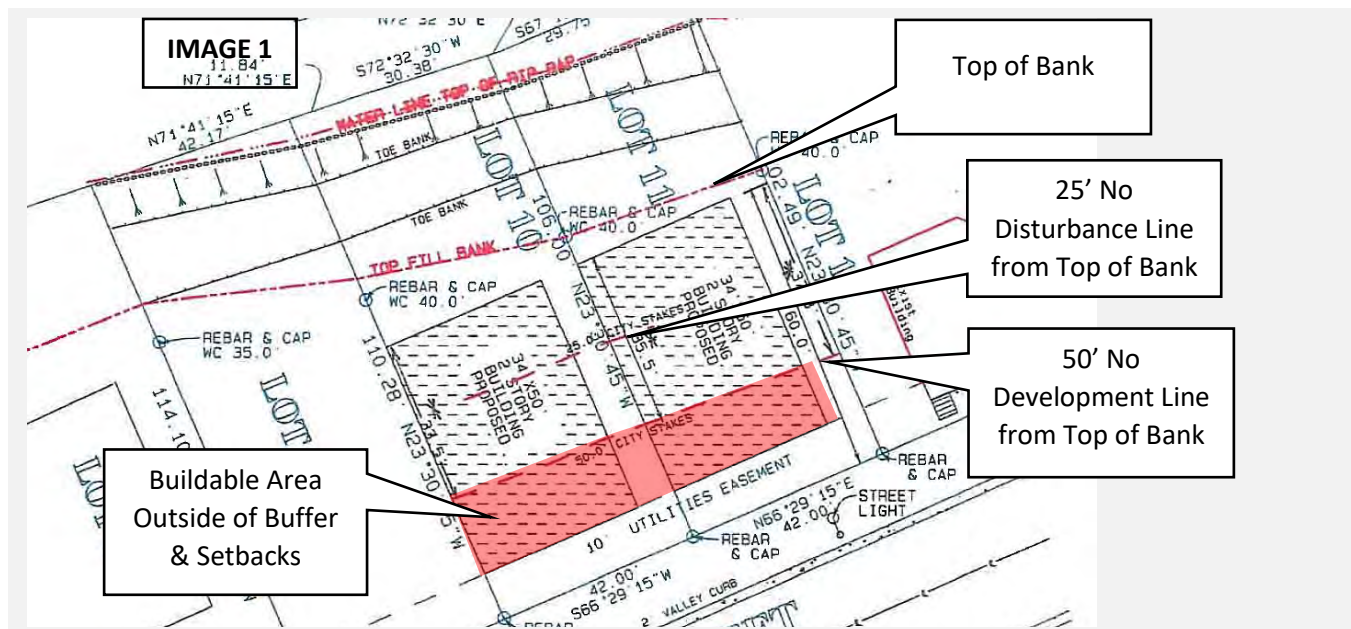
(b) In addition to the above requirements there shall be no disturbance in the following areas:

(1) Within 25 feet of stream corridors designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update; and

(2) Within 25 feet of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2013 Update.

(Emphasis added)

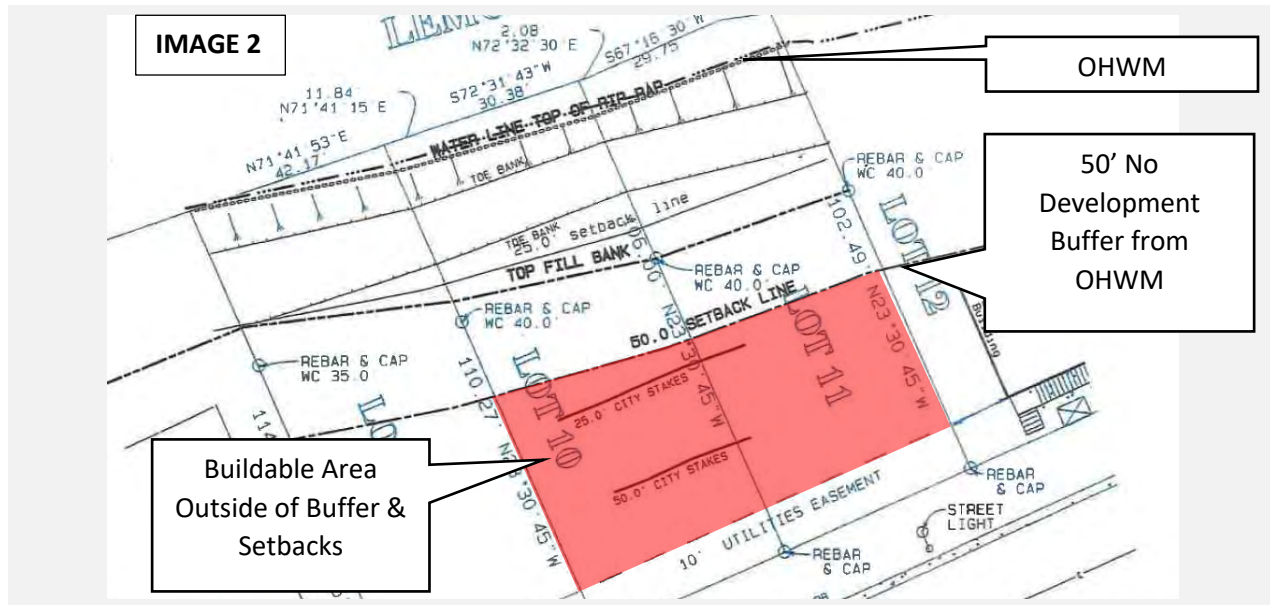
Title 49 requires the development buffer be measured from the bank [49.70.310(a)(2)]. Staff performed a site visit and staked the 50-foot, no-development buffer from the bank of Lemon Creek; the no-development buffer takes up the majority of the lots. Taking into consideration the required development buffer from Lemon Creek and the minimum front yard setbacks for the zoning district, there is approximately 600 square feet of buildable area remaining on each lot (Image 1).



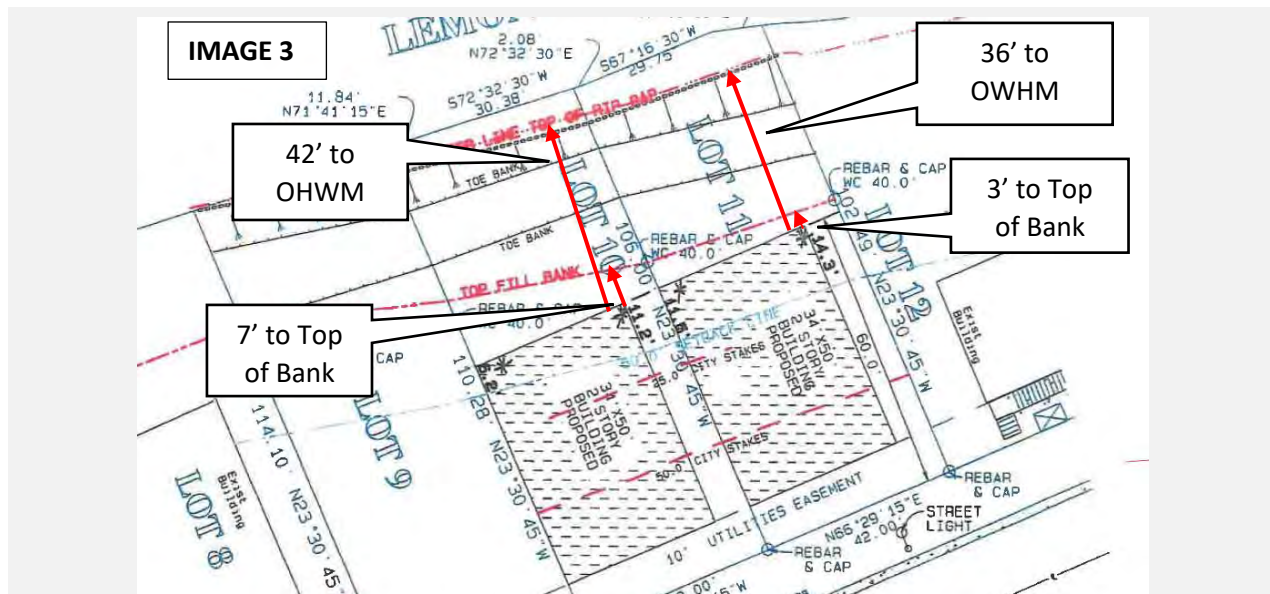
June 14, 2021
VAR2021 0002
Page 4 of 8

In the past, the development buffer from anadromous waterbodies was staked from the Ordinary High Water Mark (OHWM), as recommended by the Comprehensive Plan [2013 Comprehensive Plan pg. 79]. Using the OHWM generally requires less of a buffer. Before the Commission this evening, is also a text amendment proposing measuring the development buffer from the OHWM, rather than the bank.

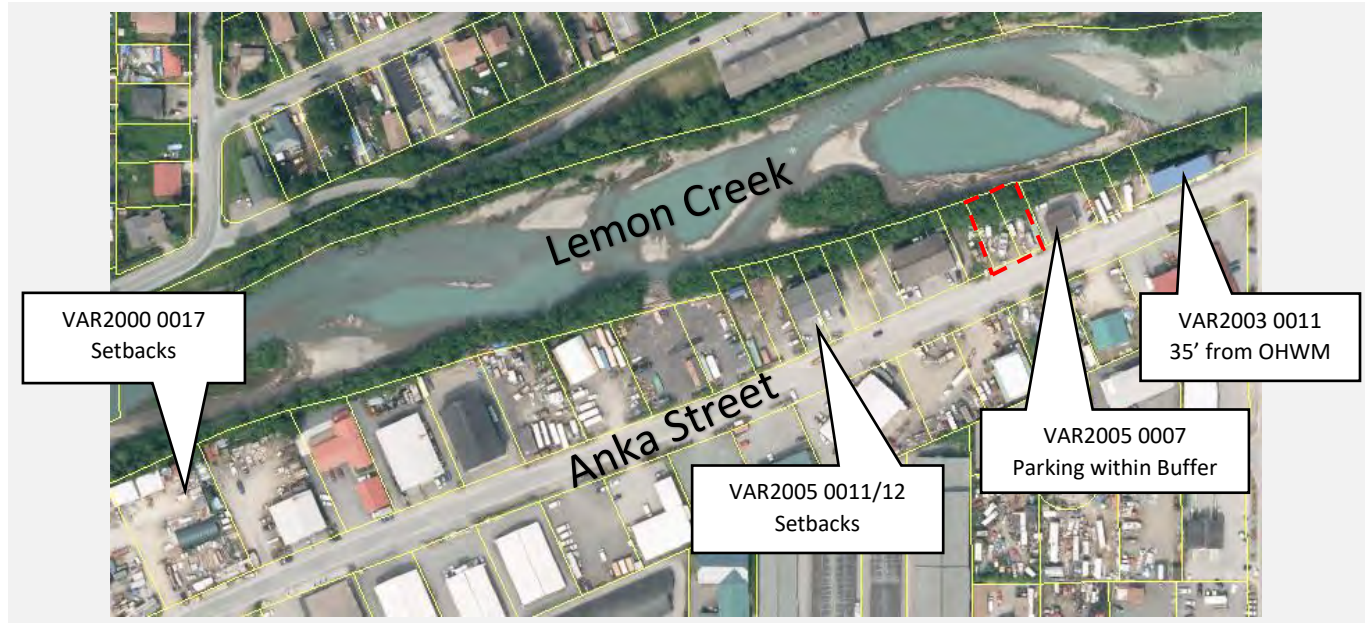
While the OHWM cannot be used as current code requires using bank, there would be approximately 1,500 square feet of buildable area on each lot outside of the required buffer and setbacks for the zoning district (Image 2). This demonstrates that the neighboring lots were afforded relief in the past from code, which the applicant cannot take advantage of under existing code.



The applicant proposes two new buildings, each with a 1,700 square foot building footprint. In order to construct these buildings, the applicant requests relief from the required development buffer. As shown on the project site plan, granting the variance would allow two new structures to be within 3 feet (Lot 11) and 7 feet (Lot 10) from the top of the bank of Lemon Creek (Image 3).



As compared to the neighboring properties, the new structures would be within approximately 36 feet (lot 11) and 42 feet (Lot 10) of the OHWM of Lemon Creek (Image 3), and structures on neighboring properties are within 35 feet of the OHWM. Current code requires the setback be measured from the bank [49.70.310(a)(2)]. Even if the development buffer is measured from the OHWM, a variance is still needed for the proposed development.



VARIANCE STANDARDS

Pursuant to CBJ 49.20.200, a non-administrative variance may be granted to provide an applicant relief from the requirements of this Title 49 section of the Land Use Code. A variance is prohibited from varying any requirement or regulation of Title 49 concerning the use of land or structures, housing density, lot area, requirements in chapter 49.35 (Public and Private Improvements), or requirements in chapter 49.65 (Specified Use Provisions).

Per CBJ 49.20.250(b), a non-administrative variance may be granted to provide an applicant relief from requirements of this title after the prescribed hearing and after the Board of Adjustment has determined that:

A. Enforcement of the ordinance would create an undue hardship resulting from the unusual or special conditions of the property.

Analysis: The applicant must establish that adhering to the code creates a hardship that is distinct from similarly situated properties.

“Hardship” means that the land cannot be used as intended. Financial hardship is not considered.

The lot was platted in 2002 and remains vacant. The lot is within an Industrial zoning district. If the development buffer from the bank of Lemon Creek is required, approximately 600 square feet of buildable area on each lot exists. The proposed buildings with a 1,700 square foot footprint are similar to other buildings constructed along Anka Street. Reasonable use of the property would be denied based on a special condition of the property, Lemon Creek, and associated setbacks.

There are four (4) similarly situated lots on Anka Street that have received variances to setbacks or the required development buffer from Lemon Creek, all noting a lack of buildable area due to the required

development buffers. The hardship that results from the required development buffer is a lack of buildable area. The proposed buildings will be smaller than most other buildings on Anka Street. Similarly situated properties on Anka Street, within the Industrial zoning district, are allowed to maximize the entire lot area. The Industrial zoning district requires a 10-foot front and rear setback, and zero side yard setbacks.

The applicant submitted a preliminary sketch that shows two (2) parking spaces within each building and one (1) parallel parking space in the front of the building (Attachment A). This sketch demonstrates that buildable area is limited; and back-out parking is not allowed in the Industrial zoning district. The applicant will be required to demonstrate, as part of a building permit application, that parking and circulation standards can be met without the building encroaching further into the stream buffer.

The combination of the minimum front yard setback, parking and circulation requirements, and the required development buffer from Lemon Creek renders the lots unusable compared to other similarly situated properties on Anka Street in the Industrial zoning district and similarly situated lots that were afforded relief from code through the variance process.

Finding: Yes. This criterion has been met.

B. The unusual or special conditions of the property are not caused by the person seeking the variance.

Analysis: Lemon Creek is a naturally occurring feature of the land, the special condition of the property is not caused by the applicant. Further, the lots along the bank of Lemon Creek have an approximately 45 percent slope at the rear of the properties.

Finding: Yes. This criterion has been met.

C. The grant of the variance is not detrimental to public health, safety, or welfare.

Analysis: If the variance is approved, the applicant is required to submit a building permit application for the proposed structures. Building permits safeguard the public health, safety, and welfare. The granting of the variance will not be detrimental to the public health, safety, or welfare.

Finding: Yes. This criterion has been met.

D. The grant of the variance is narrowly tailored to relieve the hardship.

Analysis: As shown on the above project site plan, granting the variance would allow two new structures to be within 3 feet (Lot 11) and 7 feet (Lot 10) from the bank of Lemon Creek (Image 3). Proposed structures are smaller than found on neighboring properties. Additionally, the buildings are built up to the front setback line, maximizing the available buildable area within the required setbacks for the Industrial zoning district. The requested variance is for buildings that are similarly situated to neighboring properties that have received variances to setbacks or the stream buffer requirement.

Parking must be provided on site. As discussed above, the applicant submitted a preliminary sketch showing 3 parking spaces; however, back-out parking is not allowed in Industrial zoning districts. Parking cannot be within the no-development buffer of Lemon Creek. Parking constraints demonstrate that the request is narrowly tailored, as the buildings may need to be reduced in size in order to meet parking and circulation standards. The applicant will be required to demonstrate that parking and circulation requirements can be

met, prior to the issuance of a building permit.

Under current code, the development buffer from anadromous waterbodies is measured from the bank. Past practice of the department has been to measure the development buffer from the OHWM. Staff anticipates code revisions that would allow the measurement to be taken from the OHWM in the future. Even if the OHWM is used to measure the stream development buffer, a variance is still needed to construct the proposed buildings. At their closest point, the buildings are 36 feet to the OHWM, so a variance is still needed. Regardless of which line staff uses to measure the development buffer from (bank or OHWM), a variance is needed and is warranted due to the peculiarities of the land.

Finding: Yes. This criterion has been met.

Pursuant to CBJ 49.20.260, the Board may attach conditions to non-administrative variances regarding the location, character, and other features of the proposed structures or uses as it finds necessary to carry out the intent of this title and to protect the public interest.

The Alaska Department of Fish and Game (ADF&G) reviewed the proposal and found it to be reasonable. ADF&G has requested that vegetation below the top of bank be maintained. This will help reduce erosion of the bank and provides both a visual and a sound buffer to the creek, and to properties located across the creek. The project site plan shows no new structures below the top of the bank. Staff is recommending a condition that limits any removal of vegetation in this area, including limbing of the trees that grow along the bank

Condition: There shall be no disturbance or removal of vegetation below the top of the bank of Lemon Creek, including limbing of the trees that grow along the bank.

AGENCY REVIEW

CDD conducted an agency review comment period between May 17 and May 31, 2021. Agency review comments can be found in Attachment C.

Agency	Summary
Alaska Department of Fish and Game	ADF&G requests that no vegetation along the slope of the bank be cut. ADF&G finds the proposal is reasonable and similar to adjacent land owners.

PUBLIC COMMENTS

In accordance with 49.20.230(b), public notice was mailed to property owners within 500 feet of the lot, a public notice sign was posted on site two weeks prior to the hearing, and ads were placed in the Juneau Empire. Public comments received by May 31, 2021 can be found in Attachment D and are summarized below. Comments received after May 31 can be found in the additional materials packet.

Name	Summary
Susan Trivette	Ms. Trivette opposes the proposed variance. Ms. Trivette has concerns about the existing noise in the area.
Sandra Coon	Ms. Coon writes to express support for the variance.
Karen Wright	Ms. Wright supports the proposed variance as one of the current property owners.
Jeff Wright	Mr. Wright supports the proposed variance as one of the current property owners.

FINDINGS

1. *Is the application for the requested variance complete?*

Analysis: No additional analysis required.

Finding: Yes. The application for the required variance is complete.

2. *Does the variance as requested meet the criteria of Section 49.20.250(b)(1), Non-Administrative Variances?*

Analysis: As discussed above, all of the approval criteria have been met.

Finding: Yes. The requested variance meets the criteria of Section 49.20.250(b)(1), Non-Administrative Variances.

RECOMMENDATION

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and **APPROVE** the requested non-administrative variance to 49.70.310(a)(2) and 49.70.310(b)(1) to allow new construction within the 50-foot, no-development and 25-foot, no-disturbance buffer from Lemon Creek, as shown on the project site plan submitted with the application.

The approval is subject to the following conditions:

1. There shall be no disturbance or removal of vegetation below the top of the bank of Lemon Creek, including limbing of the trees that grow along the bank.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application Packet
Attachment B	Abutters Notice and Public Notice Sign Photo
Attachment C	Agency Comments
Attachment D	Public Comments



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 581201330100 1941 Anka Street / 1940 Anka Street		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Lots 10 & 11 RSH Subdivision III		
	Parcel Number(s) 581201330110 / 581201330100		
	☐ This property located in the downtown historic district ☐ This property located in a mapped hazard area, if so, which <u>NA</u>		
	LANDOWNER/ LESSEE		
	Property Owner Jeffrey / Karen Wright	Contact Person Troy A May	
	Mailing Address PO Box 32724 June AK 99803	Phone Number(s) 907-723-7778	
	E-mail Address		
	LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X <u>[Signature]</u> Landowner/Lessee Signature		5-6-21 Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME"			
Applicant Northwest Light & Dev.	Contact Person Troy A May		
Mailing Address 150 Anka St. June AK 99803	Phone Number(s) 907-723-7778		
E-mail Address			
X <u>[Signature]</u> Applicant's Signature		5-6-21 Date of Application	

DEPARTMENT USE ONLY BELOW THIS LINE

Attachment A - Application Packet

This form and all documents associated with it are public record once submitted.

Intake Initials <u>LEC</u>
Date Received



VARIANCE APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

**NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.
Not to be used for Administrative Variances**

To be completed by Applicant

PROJECT SUMMARY

New buildings w/ caretakers units in each building.
Address: 1940 and 1941 Anka St.

VARIANCE REQUESTED (list CBJ Code section you are requesting a variance to)

CBJ 49.70.310, req. 50 ft. dev. Setback from rear bank of Lemon Creek. We are seeking the variance because a feature of the lot doesn't - cont on back...

Previous Variance Applications?

☒ YES ☐ NO

Date of Filing: 2018 2003

Previous Case Number(s):

VAR2003 0009

Building Permit related to this variance? ☐ YES ☒ NO

Was the Variance Granted?

☒ YES ☐ NO

UTILITIES AVAILABLE:

WATER ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

ALL REQUIRED MATERIALS ATTACHED

Complete application per CBJ 49.65.210

Narrative including:

Any characteristics of land or building(s) or extraordinary situations that are unusual to this property or structure

Why a variance would be needed for this property regardless of the owner

What hardship would result if the variance is not granted

Site Plan

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

VARIANCE FEES	Fees	Check No.	Receipt	Date
Application Fees	\$ 400.00			
Adjustment	\$ 150		public notice sign/deposit	
Total Fee	\$ 550.00			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

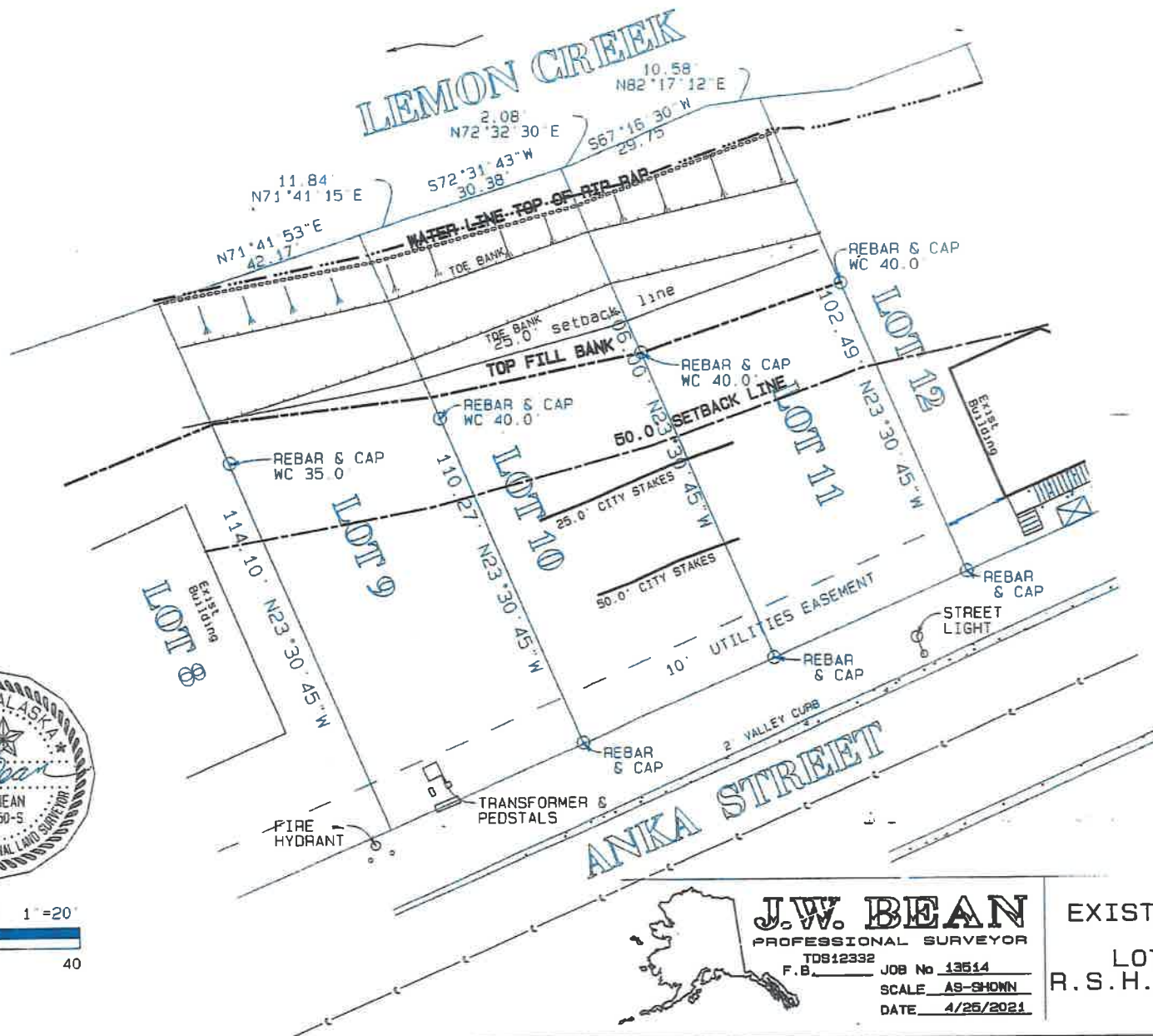
Attachment A - Application Packet

Case Number	Date Received
VAR 21-02.	LEC 5/6/21

allow us to use it in a way similar to our neighbors, Packet Page 37 of 86
creating undue hardships. Currently, next to the stream set back
and the front set back leave only 20 ft of developable
depth.



SCALE 1"=20'
0 20 40

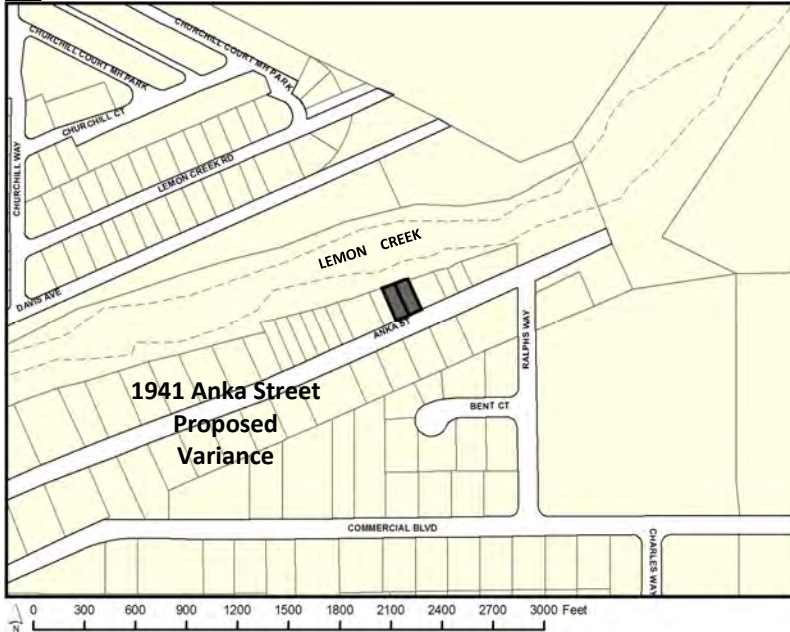


J.W. BEAN
PROFESSIONAL SURVEYOR
TDS12332
F.B.
JOB No. 13514
SCALE AS SHOWN
DATE 4/25/2021

EXISTING CONDITION
ON
LOTS 9, 10 & 11
R.S.H. SUBDIVISION III

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission
Your Community, Your Voice



155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for **Variance to allow new construction within the 50-foot, no-development buffer and the 25-foot, no-disturbance buffer from Lemon Creek at 1941 Anka Street in an Industrial Zone.**

TIMELINE

Staff Report expected to be posted **Monday, June 14, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

Now through May 31	June 1 — noon, June 21	HEARING DATE & TIME: 7:00 pm, June 22, 2021	June 23
Comments received during this period will be sent to the Planner, Laurel Christian , to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: https://juneau.zoom.us/j/99589799175 . The Webinar ID is: 995 8979 9185. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.	The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed May 19, 2021

Case No.: VAR2021 0002
Parcel No.: 5B1201330100 & 5B1201330110
CBJ Parcel Viewer: <http://epv.juneau.org>

Laurel Christian

From: Northern Lights Development, Inc. <northernlights@gci.net>
Sent: Tuesday, June 8, 2021 8:11 AM
To: Laurel Christian
Subject: FW: send this to laura
Attachments: IMG_4706.jpg; Untitled attachment 00028.txt

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Laurel,

Here is a photo of the sign on the property. It was put up last night.

Charlene Nelson
Bookkeeper
Northern Lights Development, Inc.
907-780-6300
northernlights@gci.net

-----Original Message-----

From: Troy Mayer <troymayer@gmail.com>
Sent: Monday, June 07, 2021 5:16 PM
To: northernlights@gci.net
Subject: send this to laura



Laurel Christian

From: Albrecht, Gregory T (DFG) <greg.albrecht@alaska.gov>
Sent: Friday, May 21, 2021 11:35 AM
To: Laurel Christian
Cc: Kanouse, Kate M (DFG)
Subject: RE: VAR2021 0002 Agency Review

Follow Up Flag: Follow up
Flag Status: Flagged

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hi Laurel,
I visited the site today and observed trees (mostly alders) growing on the slope up to the top of the bank. So long as the vegetation on the bank is not cut, this development proposal seems reasonable and similar to adjacent land owners.
Thank you for the opportunity to review.

Greg Albrecht
ADF&G Habitat Biologist
802 3rd Street
Douglas, AK 99824
465-6384

From: [Sue Trivette](#)
To: [PC_Comments](#)
Subject: Variance on new construction on Parcel 5B1201330100 & 5B1201330110
Date: Wednesday, May 26, 2021 1:25:51 PM
Importance: High

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

To Whom I May Concern:

I am an owner living in the Riveredge Condos; I have been here since May, 2012. My property sits on the across the creek from these proposed buildings. I would like to give my opinion the proposed variance to the above Parcel on Case No. VAR2021 0002 to allow new construction within the 50' no-development buffer & the 25', no-disturbance buffer from Lemon Creek at 1941 Anka Street.

My concerns are that this company, Northern Lights Development, is requesting building closer than 50' in a no-development from Lemon Creek & the 25' no-disturbance in an industrial zone. There's valid reason these regulations were set up to control development this close to a body of water; they should not receive a variance for this development. As it is, there's already some very, very noisy commercial businesses that are on that side of the creek; they are disturbing the otherwise relative peace & quiet near this beautiful creek area. I can hear this banging going on 5 days a week at any time of the year when I'm on my frequent walks on Davis Avenue.

I don't know exactly what type of development is being proposed on this site; as the permit application is quite vague. Regardless, I would object to this variance being granted.

Thanks for your time,

Susan P Trivette
1901 Davis Ave #B9
907 317 3734

From: lhcsjc@alaska.net
To: [PC_Comments](#)
Subject: VAR2021-0002 for 1940 & 1941 Anka Street
Date: Thursday, May 27, 2021 8:10:46 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Case No.: VAR2021 0001

Applicant: Northern Lights Development

Location: 1940 Anka Street

A Variance to allow new construction within the 50-foot, no-development buffer and the 25-foot, no-disturbance buffer from Lemon Creek

I am writing in response to the request for comments on the above Variance application for VAR 2021-0002.

I support the variance to allow construction that is being requested for Lemon Creek at 1940 & 1941 Anka Street, parcel numbers 5B1201330100 & 5B1201330110. I am a resident of Lemon Creek/Pinewood Park 2BLMLTI, and a former member of the Lemon Creek Steering Committee and I appreciate the opportunity to comment.

Sandra Coon
5990 Sunset Street
Juneau, AK 99801
907-780-4910

From: [Karen Wright](#)
To: [PC_Comments](#)
Subject: Public Comment on Request for Variance
Date: Friday, May 28, 2021 7:45:37 PM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Hello,

Case No.: VAR2021 0001

Applicant: Northern Lights Development

Location: 1940 Anka Street

A Variance to allow new construction within the 50-foot, no-development buffer and the 25-foot, no-disturbance buffer from Lemon Creek

I am writing in response to the request for comments on the above Variance application for VAR 2021-0002.

I support the variance to allow construction that is being requested for Lemon Creek at 1940 & 1941 Anka Street, parcel numbers 5B1201330100 & 5B1201330110.

I am a licensed real estate professional in the State of Alaska, and my husband and I are the owner of the lots that Northern Lights Development has requested the variance on.

We have a sale pending dependent on the results of the requested variance to Northern Lights Development.

If it is granted the sale will go through.

If it is not granted the sale of the property will fall apart.

We are currently under contract to sell the property for less than the listed sales price.

Since the property was listed the assessed values have increased dramatically, even though I could not sell the property for the assessed value.

Additionally, since the property was listed the city regulations have changed dramatically and not in our favor in regard to the set backs and no-development buffer and no-disturbance buffer from Lemon Creek. Based on the new regulations that the city has adopted, after we had a sales agreement, it has seriously jeopardized the possibility to sell the property unless the variance has been granted.

I am asking that the variance be granted as requested. Please understand that if the variance isn't granted it will greatly diminish my ability to sell the property.

It will also seriously diminish the value of the property, as it will not allow the property to be developed.

Case No.: VAR2021 0001

Applicant: Northern Lights Development

Location: 1940 Anka Street

A Variance to allow new construction within the 50-foot, no-development buffer and the 25-foot, no-disturbance buffer from Lemon Creek

I am writing in response to the request for comments on the above Variance application for VAR 2021-0002.

I support the variance to allow construction that is being requested for Lemon Creek at 1940 & 1941 Anka Street, parcel numbers 5B1201330100 & 5B1201330110.

I appreciate the opportunity to comment.

Thank you for your consideration,
Karen Wright, REALTOR®
Southeast Alaska Real Estate
Direct: 907-321-5866
Office: 907-789-5533
Voted Juneau's Best Real Estate Professional

Please let me know if you would prefer not to receive e-mails from me. Thank you

From: [Juneau Limousine Services, LLC](#)
To: [PC_Comments](#)
Subject: comments on Case No.: VAR2021 0001
Date: Sunday, May 30, 2021 9:16:12 AM

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Case No.: VAR2021 0001

Applicant: Northern Lights Development

Location: 1940 Anka Street

A Variance to allow new construction within the 50-foot, no-development buffer and the 25-foot, no-disturbance buffer from Lemon Creek

I am writing in response to the request for comments on the above Variance application for VAR 2021-0002.

Hello,

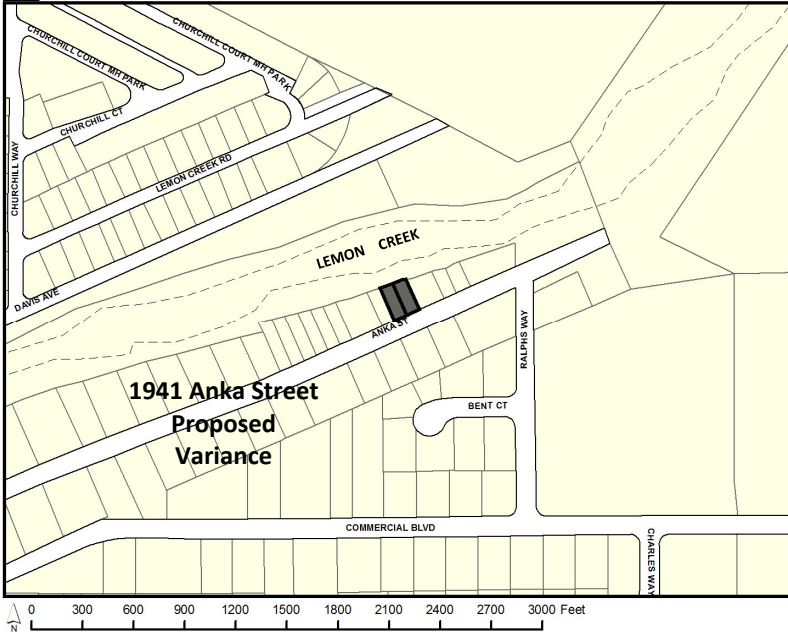
I am writing in with my vote to approve the Variance application. My wife and I own the two parcels in question and I believe that this variance will allow the same type of development that is currently in the area. If you go out to the lots you will notice that the other buildings in the area have utilized a great portion of their upper build-able area on their lots. Both of these lots for the variance have a large enough area above on the lots to build on and still have plenty of space below the upper river bank and the river as buffer zone and still conform with the other construction in the area.

Please approve the variances being asked for.

Thank you!
Jeff Wright
juneaulimo@aol.com
juneaulimo.com
907-463-5466

Invitation to Comment

Re: Variance to allow new construction at 1941 Anka Street
Application Reconsideration



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application for a Variance to allow new construction within the 50-foot, no-development buffer and the 25-foot, no-disturbance buffer from Lemon Creek at 1941 Anka Street is being reconsidered. **The hearing for reconsideration will be held September 28, 2021 and the Planning Commission *may* reopen public testimony.**

TIMELINE

The Staff Report and case materials can be found at
<https://juneau.org/community-development/planning-commission>.
Find hearing results, meeting minutes, and more here as well.

HEARING DATE & TIME: 7:00 pm, September 28, 2021

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/95338746937>. The Webinar ID is: 953 3874 6937. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

If the Planning Commission votes to reopen public testimony, the applicant and members of the public wishing to testify may provide their comments at the meeting.

September 29

The results of the hearing will be posted online.

Phone: (907)586-0715 ♦ Email: pc_comments@juneau.org
Mail: Community Development, 155 S. Seward St, Juneau AK 99801

Printed August 27, 2021

Case No.: VAR2021 0002
Parcel No.: 5B1201330100 & 5B1201330110
CBJ Parcel Viewer: <http://epv.juneau.org>

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Rules of Order - AMENDED AND CONTINUED TO OCTOBER 12, 2021 PLANNING
COMMISSION

**PLANNING COMMISSION AGENDA
THE CITY AND BOROUGH OF JUNEAU, ALASKA**

Additional Materials for September 28, 2021 Planning Commission

ATTACHMENTS:

Description		Upload Date	Type
▣	Additional Materials for September 28, 2021 Planning Commission	9/24/2021	Miscellaneous

Additional Materials

Regular Planning Commission Meeting

Virtual Meeting Only

7:00pm

Meeting Date: September 28, 2021

1. Rules of Order:

- a. Draft Rules of Order – Clean Version
- b. Draft Rules of Order – Tracked Changes
- c. Draft Rules of Order – Edits from Commissioner Voelckers



CITY AND BOROUGH OF JUNEAU PLANNING COMMISSION RULES OF ORDER

The following rules and guidelines are hereby adopted by the Planning Commission of the City and Borough of Juneau.

Purpose. These Rules of Order are intended to guide meetings and other operations of the City & Borough of Juneau Planning Commission in a manner that ensures consistency, fairness, and an equitable opportunity for Members of the Commission and the public to participate in an open and orderly manner.

Rule 1. COMMISSION OFFICERS AND ROLES

- A. The officers of the Planning Commission (Commission) shall be Chair, Vice-Chair, Clerk, and Assistant Clerk.
- B. Officers shall be elected by a majority vote of the members of the Commission held annually at the start of the first regular meeting of the year
- C. Officer Duties:
 - 1. The Chair shall preside over regular Planning Commission meetings, establish committees, and coordinate with the CDD Director on issues including meeting agendas.
 - 2. The Vice-Chair shall preside over Committee of the Whole meetings and fulfill the duties of the Chair when the Chair is absent or otherwise unable to fulfill those obligations.
 - 3. If neither the Chair or Vice-Chair is available, another member of the Commission shall be identified to fulfill the designated duties.

Rule 2. MEETINGS

- A. Date and Time of Regular Meetings. The regular meetings of the Planning Commission shall be at 7:00 p.m. on the second and fourth Tuesdays of each month.
- B. Commission Attendance. Members of the Commission are expected to attend meetings and arrive on time. If a member of the Commission arrives, or joins remotely, after the Commission has begun proceedings on an item, that member will not be allowed to participate in the hearing on that issue and. If a member of the Commission cannot attend a Commission or Committee meeting or will be late to a meeting, that member is expected to notify the Director and Chair with as much notice as possible. If a member is absent without providing notice, that absence will be considered unexcused. If any member reaches three unexcused absences from regular, special, and committee meetings in one calendar year, the Director will notify the Assembly Human Resources Committee (HRC).

- C. Place of Meetings. Planning Commission meetings shall be held in the Assembly Chambers at the Municipal Building at 155 South Seward Street, Juneau, Alaska, unless public notice is provided for a different location. Meetings will also be available by remote platform.
- D. All Meetings Public. All meetings of the Planning Commission and any of its committees shall be open to the public except for executive sessions.
- E. Special Meetings and Committee of the Whole Meetings. Special and Committee of the Whole meetings may be called at any time by the Chair and must be called if requested by at least three members of the Commission.
- F. Time of Adjournment. Meetings will adjourn no later than 11:00 p.m. unless extensions are allowed by a majority of the members of the Commission present who are not recused from hearing the business under consideration at the time. Meetings may be extended past 11:30 p.m. only in accordance with Rule 14 and with consent of the Chair. No new business will be considered after 10:30 p.m. unless agreed to by a majority of the members present who are not recused from hearing the new business.

Rule 3. PUBLIC NOTICE OF MEETINGS

Notice of all meetings of the Commission and its committees shall be supplied to a newspaper of general circulation as well as posted on the City and Borough website and on the Municipal Bulletin Board.

Rule 4. STAFF ATTENDANCE

At least one Community Development Department staff member will attend all meetings of the Commission and its committees.

Rule 5. ORDER OF BUSINESS

The order of business for Planning Commission meetings shall be:

- I. Land Acknowledgement
- II. Roll Call
- III. Request for Agenda Changes and Approval of Agenda
- IV. Approval of Minutes
- V. Brief Review of the Rules for Public Participation
- VI. Public Participation on Non-Agenda Items
- VII. Items for Reconsideration
- VIII. Consent Agenda
- IX. Unfinished Business
- X. Regular Agenda
- XI. Board of Adjustment
- XII. Other Business
- XIII. Staff Reports
- XIV. Committee Reports

- XV. Liaison Reports
- XVI. Continuation of Public Participation on Non-Agenda Items
- XVII. Planning Commission Comments and Questions
- XVIII. Executive Session
- XIX. Adjournment

Rule 6. COMMITTEES

- A. Appointment and Membership. The Chair shall (i) appoint members to the standing committees and appoint the chairs of those committees; and (ii) create committees as deemed necessary, and appoint members and chairs of those committees. Standing committees shall consist of at least four members of the Commission. The Chair is an ex officio member of all committees; the Chair can debate and vote but is not required for purposes of establishing the minimum quorum necessary for action. The Chair counts toward establishing a quorum if present.
- B. Committee Chair. A committee chair or, in their absence, the most senior member of committee present, shall have full responsibility for conducting the affairs of a committee and reporting the same to the Commission. Committee chairs shall act as spokespersons for their committees at public meetings and hearings. Public testimony shall be allowed at committee meetings only with permission from the chair of that committee.
- C. Standing Committees.
 - 1. **Title 49 Committee**. The purpose of this committee is to review the land use code and recommend changes to the land use code, as needed, to the Commission.
 - 2. **Governance Committee**. The purpose of this committee is to review and recommend updates to these rules and procedures as necessary and to consider other action as may be beneficial to facilitate Commission and committee meetings and debate.
 - 3. **CIP Committee**. The purpose of this committee is to lead Commission participation in development of the annual CBJ CIP project list, including efforts to ensure the projects reflect CBJ planning priorities as enumerated in the Comprehensive Plan, detailed Area Plans, and other plans adopted by the Assembly.

Rule 7. OTHER BOARDS, COMMISSIONS AND COMMITTEES

- A. Appointment of Liaisons. Commission liaisons serve as connections to establish and maintain communication between the Commission and other boards, commissions or committees on issues, projects and other matters of mutual concern and interest. A liaison is not a member of the other body or counted to determine a quorum, has no voting power on the body, and is encouraged, but not required, to attend all meetings of the body. The Chair shall appoint one liaison to each of the following:
 - 1. **Assembly Lands, Housing and Economic Development Committee**.

2. Assembly Public Works and Facilities Committee.

3. Juneau Commission on Sustainability.

B. Appointments to seats on other Boards, Commissions or Committees. The Chair shall appoint members to serve on other boards, commissions and committees, in seats designated for the Commission, as follows:

1. **Wetlands Review Board.** Two members of the Commission shall be appointed to serve as full, voting members of the Wetlands Review Board.

Rule 8. PROTOCOLS FOR COMMISSIONER DEBATE AND DISCUSSIONS

- A. Speaking on the Question. In all questions and comments, members of the Commission shall endeavor to provide the Commission with relevant facts and arguments and shall strive to avoid redundancy. The Chair may disallow non-germane questions and comments. Members of the Commission, the Director of Community Development, and staff may speak more than once to the same question at the same stage of proceedings. In determining the order of speakers, the Chair shall give priority to members who have not spoken on the question.
- B. Asking Questions. After obtaining recognition from the Chair, a member may ask direct questions of another member of the Commission, City and Borough of Juneau (CBJ) staff, or of a person appearing before the Commission. All questions shall be respectful and may not be argumentative.
- C. Decorum. Members of the Commission shall not question the motives, competency, or integrity of any person except as necessary to decide a matter in which such issues are relevant. The Chair shall admonish any member violating this rule, and may, without a vote, declare a recess not to exceed ten minutes.

Rule 9. PROTOCOL FOR MEETINGS

- A. Order and Procedure for Public Hearings on Action Items:
 1. The Chair will open the hearing on an individual item for action and read the title of the matter at hand.
 2. Community Development staff will present a report and recommendation and will respond to initial Commission questions. Staff is encouraged to limit its presentation to no more than 10 minutes. Members of the Commission are encouraged to hold questions until the completion of the initial presentation.
 3. The applicant or the applicant's representative will have an opportunity to present information regarding the request and respond to initial Commission questions. This presentation is limited to no more than 10 minutes. The limit shall be extended as long as necessary to answer any questions addressed to the speaker by the members of the Commission. If the applicant wishes to use electronic slides (PowerPoint or the equivalent) during a presentation, the applicant must supply an electronic version of

those slides to Community Development staff in accordance with Rule 10. This deadline may be altered for meetings held other than at the regular meeting time.

Commented [JM1]: Rule 11?

4. Public participation will be opened, and the public will be invited to comment. Public participation shall be carried out in accordance with Rule 11. Members of the Commission may pose questions through the Chair in accordance with Rule 8.
5. Public participation will be closed.
6. The applicant or the applicant's representative will have an opportunity to present additional information regarding the request and respond to questions from the Commission. This presentation shall be limited to no more than 5 minutes; this time limit shall be extended as long as necessary to answer any questions addressed to the speaker by members of the Commission.
7. The Commission will deliberate and make its decision.

- B. The Chair will set forth the item or subject to be discussed and will rule non-germane or inappropriate comments out of order.
- C. All speakers, members of the public, and members of the Commission will be recognized by the Chair by surname.
- D. When recognized by the Chair, staff may participate in the same manner as the members of the Commission except that staff cannot vote.
- E. Once public participation is closed, it cannot be reopened except in accordance with Rule 14.

- F. Except in accordance with Rule 10, remote participation by an applicant or member of the public is not permitted. A member of the public that wishes to participate at a meeting, but cannot attend the meeting, may submit comments in writing pursuant to these Rules or send a representative to present on his or her behalf. Applicants or members of the public that choose to participate remotely do so at their own risk. If remote connection is lost, the public hearing may continue without the applicant's participation.

Commented [JM2]: Confirm Rule 10 is correct rule

Rule 10. PUBLIC PARTICIPATION AT MEETINGS

- A. Public Testimony. Public participation in the form of oral testimony during hearings on permit applications, ordinances, resolutions, matters other than appeals, and on non-agenda items, will be conducted according to the following rules:
 1. Subject Matter. Members of the public present, in person or remotely, during a hearing shall be given one opportunity to be heard during the hearing. In addition, there shall be a time during all regular Commission meetings for members of the public to address the Commission concerning any matter relevant to the Commission's jurisdiction and not on the agenda for specific public hearing at that meeting. Questions posed to Commissioners or staff will not be answered directly during the time allotted for public testimony.

2. Time Limits for Public Testimony. Unless otherwise specified by the Chair, public testimony on agenda items is limited to five minutes per speaker. The five-minute limit shall be extended as long as necessary to answer any questions addressed to the speaker by the Commission or CBJ staff. The Chair may set a different time limit if it appears necessary to gain maximum participation and conserve time and may, for the same reason, disallow questions from the Commission to members of the public. The time limit may also be changed by a majority of the Commission, which the Chair cannot overrule. Except as otherwise provided in these Rules, the time limit for individual speakers shall be uniform for all speakers and shall be strictly enforced. The time limit for public testimony on non-agenda items is limited to three minutes.

3. Public Representatives. Members of the public shall not have the right to transfer their unused time to another. However, an individual may speak on behalf of a group of other individuals provided that all individuals are present, either in person or remotely, during the meeting. If present in person, all individuals must have signed in on the sign-in sheet provided, and have indicated on the sign-in sheet that the representative individual will present on their behalf. If participating remotely, all individuals must have provided an email to the Director and Chair by 12PM the day of the meeting stating that the representative individual will present on their behalf. Under these circumstances, the time limit for the oral testimony presented by the representative individual shall be extended by one minute for each individual represented up to a maximum of five additional minutes. Individuals that are represented in this manner shall not also have the right to present oral testimony for themselves. The Chair has discretion over the order in which public testimony will be taken from members of public participating in person and members of the public participating remotely.

Commented [JM3]: This is different than we discussed, but I think it could be useful for the sake of time

4. Identification. Members of the public will precede their remarks by stating their names and, unless otherwise allowed by the Chair, their place of residence. The public will write this information on the sign-in sheet provided.

B. Submission of Written and/or Illustrative Material. Members of the public are encouraged to submit written comments, reports, and exhibits. Such material, especially maps, graphics, photographs, and responses to specific code sections, generally aids the Commission in making its decision. However, material submitted close to the hearing date, especially voluminous written material offered at a public hearing, can result in inequities. The Commission adopts this written and/or illustrative material policy to give staff and the applicant a reasonable opportunity to analyze public comments, to give the public a reasonable opportunity to submit material before and after publication of the staff report, to give the members of the Commission a reasonable opportunity to review the meeting packets, and to give the Commission the ability to balance the relevance and prejudice of any late material. Members of the public should assume that the members of the Commission have read all materials submitted in advance of the hearing.

1. **Publication of Staff Report.** The original staff report should be published by close of business eight days before the hearing (Monday). If justice so requires, the Director may

extend the publishing deadline to close of business six days before the hearing (Wednesday).

2. Timely Material for Packet.

- a) Material—including public comments, applicant comments, and supplemental staff reports—submitted to the Community Development Department before noon four days before the hearing (Friday at noon) is considered timely submitted and will be included in a packet for that meeting. Material submitted less than four days before a meeting is subject to the late submittal policy below. If justice so requires and with consultation with the Chair, the Director may extend the timely material deadline to noon the day before the hearing (Monday).
- b) If a member of the public wishes to use electronic slides (PowerPoint or the equivalent) during public testimony, an electronic version of those slides must be provided to the Community Development staff by the same deadline for timely written material.

3. **Late Material.** Maps, graphics, photographs, and no more than the equivalent of two single-sided printed pages of written information are allowed to be submitted at the hearing when a person presents. Specifically, if the applicant, staff, or member of the public wishes to submit material after the timely material deadline (Friday 12PM), that person or a representative for that person must (1) attend the meeting and present the material to the Commission during the opportunity for public comment, and (2) if appearing in person, provide fifteen copies of the written and/or illustrative material; if appearing remotely, email the material to the Community Development Department no later than noon the day before the hearing (Monday).

Commented [ML4]: We need to adjust for remote participation. How's this?

4. **Written Comments.** Written comments, with the exception of e-mail transmissions, must be signed, and the source of illustrative materials must be identified. E-mail transmissions must show the author's name. Anonymous submissions will not be accepted.

- C. **Decorum.** The Chair is responsible for ensuring that members of the public have a reasonable opportunity to address the Commission during public participation periods and for maintaining proper order and decorum throughout each meeting. Audible communication from or in the audience, including communication directed to the Commission, CBJ staff, or applicant during meetings is not allowed. The Chair shall also ensure that during oral testimony, members of the public direct their comments and questions to the Chair and not to the applicant, staff or other members of the public. Questions shall be respectful and may not be argumentative. The Chair shall admonish any member of the public violating this rule, and may, without a vote, declare a recess not to exceed ten minutes.

Rule 11. MOTIONS

- A. Seconds. Seconds to motions are not required.
- B. Renewal of Defeated Motions. Defeated motions may be renewed only under suspension of the Rules.
- C. Priority of Privileged Motions. Privileged motions shall have the following priority:
 - 1. Fix time to adjourn
 - 2. Give notice of reconsideration
 - 3. Adjourn
 - 4. Recess
 - 5. Question of privilege of the Commission
 - 6. Question of personal privilege

Commented [JM5]: Ask Law for more user-friendly wording

Rule 12. CLERICAL ERRORS

Clerical errors that do not affect the substance of an ordinance or resolution, such as errors in numbering or spelling, may be corrected by the City Attorney without Commission approval upon discovery of the error.

Rule 13. VOTE REQUIRED

The affirmative vote of five members of the Commission shall be sufficient to take any action except as otherwise provided by Charter or ordinance and except in the following instances, which require the affirmative vote of at least six members:

- A. Limiting, extending, or closing debates.
- B. Suspension of the rules.
- C. Setting of or postponement of special orders.
- D. Objection to consideration of question.
- E. Motion for immediate vote (previous question).
- F. Rescind.
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Rule 14. PUBLIC PARTICIPATION CONFINED TO THAT AGENDA ITEM

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Unless specifically authorized at the meeting by a majority of the Commission or by the Chair, public participation shall not be permitted at the Committee of the Whole meetings, committee meetings, and meetings advertised as work sessions only.

Rule 15. RECONSIDERATION

- A. What May Be Reconsidered. Main motions, amendments to main motions, privileged motions involving substantive questions, and appeals are subject to reconsideration. Procedural motions may not be reconsidered.
- B. Who May Reconsider. Any member of the Commission, whether or not that member voted on the prevailing side, may give notice of or move for reconsideration.
- C. Effect of Notice. The effect of giving notice of reconsideration is to suspend all action on the subject of the notice until a motion for reconsideration is made and acted upon or until the time within which the motion for reconsideration may be made and acted upon has expired.
- D. Time in Which Notice Must Be Taken Up. A notice of reconsideration expires unless a motion for reconsideration is made and acted upon prior to adjournment of the next regular meeting succeeding the meeting at which the action to be reconsidered occurred.
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- G. Effect. A successful motion for reconsideration completely cancels the previous vote on the question to be reconsidered as though the previous vote had never been taken. The motion for reconsideration is debatable to the same extent as the underlying motion.

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- A. A member of the Commission may participate remotely in regular or special Commission meetings, Committees of the Whole, or committee meetings, if the member identifies appropriate circumstances preventing physical attendance at the meeting in advance.
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directly proceeding the meeting which the member proposes to attend remotely. For meetings taking place in person, no more than three members of the Commission may participate in a meeting remotely. The first three members of the Commission that inform the Director and Chair that they intend to participate remotely are permitted to do so; any additional members of the Commission who cannot attend in person will not be allowed to participate remotely and will be considered absent.

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- C. A member of the Commission participating remotely shall be counted as present for purposes of quorum, discussion, voting, and attendance.
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- E. The member of the Commission participating remotely may ask to be recognized by the presiding officer to the same extent as any other member.
- F. If the Chair participates remotely at any meeting, the Vice-Chair or otherwise identified member of the Commission shall preside.
- G. To the extent reasonably practicable, the Director shall provide meeting materials to the member of the Commission participating remotely.
- H. If the remote connection cannot be made or is made and then lost, the meeting shall commence or continue as scheduled. The Secretary shall attempt to establish or restore the connection. If the member of the Commission participating remotely is necessary to achieve a quorum and the connection is lost, the meeting shall take an at-ease, recess, or adjourn as necessary until the remote connection is established or restored.
- I. Meeting times shall be expressed in Alaska Time regardless of the time at the location of any member of the Commission participating remotely.
- J. Remote communication shall be audible to all members of the Commission, staff, and the public in attendance at the meeting.
- K. Except as provided in Rule 17, remote participation by members of the Commission is prohibited for appeal hearings. In-person attendance is required.
- L. As used in these Rules, "remote" means any system for synchronous two-way voice communication (e.g. telephone) or video conferencing technology. If a member of the Commission participates remotely, video conferencing is preferred.

Rule 17. REMOTE MEETING ALTERNATIVES

- A. Special considerations, such as health advisories, may require the suspension of in-person Planning Commission meetings. In those situations, alternative protocols for remote

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- a. Rules 9(F), 10(A)(3), 10(B)(2)(a), 10(B)(3), 16(A), and 16(B) will be suspended;
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Rule 18. ADOPTION OF ROBERT'S RULES OF ORDER

Meetings shall be conducted according to Robert's Rules of Order, 11th Edition.

REPEAL AND EFFECTIVE DATE

The existing Planning Commission Rules of Order are repealed, and these Rules of Order shall be effective upon filing with the City Clerk.

Michael LeVine, Chair Planning Commission

Date

Filed with the City Clerk

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CITY AND BOROUGH OF JUNEAU PLANNING COMMISSION RULES OF ORDER

The following rules and guidelines are hereby adopted by the Planning Commission of the City and Borough of Juneau.

~~Purpose. The purpose of these Rules of Order are intended to guide meetings and other operations of the City & Borough of Juneau Planning Commission in a manner that ensures consistency, fairness, and is to provide a systematic and democratic method of conducting meetings and hearings to ensure that all persons and parties will have an equitable opportunity for Members of the Commission and the public to participate in an open and orderly manner.~~

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Rule 1. COMMISSION OFFICERS AND ROLES

- A. The officers of the Planning Commission (Commission) shall be Chair, Vice-Chair, Clerk, and Assistant Clerk.
- B. Officers shall be elected by a majority vote of the members of the Commission held annually at the start of the first regular meeting of the year
- C. Officer Duties:

- 1. The Chair shall preside over regular Planning Commission meetings, establish committees, and coordinate with the CDD Director on issues including meeting agendas.
- 2. The Vice-Chair, or subsequent member of the Commission, shall preside over Committee of the Whole meetings and fulfill the duties of the Chair when the Chair is absent or otherwise unable to fulfill those obligations.
- 3. If neither the Chair or Vice-Chair is available, another member of the Commission shall be identified to fulfill the designated duties.

Commented [JM2]: This phrasing is used below; updated this for consistency

Rule 2. MEETINGS

- A. Date and Time of Regular Meetings. The regular meetings of the Planning Commission shall be at 7:00 p.m. on the second and fourth Tuesdays of each month.
- B. Commission Attendance. Members of the Commission are expected to attend meetings and arrive on time. If a member of the Commission arrives after the Commission has begun proceedings on an item, that member more than 15 minutes late, they may be precluded from participating in the meeting at the Chair's discretion. If a member of the Commission arrives and public hearing has begun, the member will not be allowed to participate in that hearing on that issue and, at the Chair's discretion, may be precluded from participating in the remainder of the meeting. If a member of the Commission cannot attend a Commission or

~~Committee meeting or will be late to a meeting, that member ~~is~~ mustis expected to notify the Director and Chair the presiding officer with as much notice as possible for all meetings. If a member is absent without providing notice, that absence will be considered unexcused. If anyUpon a member of the Commission reaching three unexcused absences from regular, special, and committee meetings in one calendar year, the Director will notify the Assembly Human Resources Committee (HRC). The Chair of the Governance Committee shall keep a record of Commissioner attendance at Commission and committee meetings.~~

Commented [JM3]: Moved from Rule 6C2.

Staff is required to do this...should this sentence be deleted?

- C. Place of Meetings. Planning Commission meetings shall be held in the Assembly Chambers at the Municipal Building at 155 South Seward Street, Juneau, Alaska, unless public notice is provided for a different location. Meetings will also be available by remote platform.
- D. All Meetings Public. All meetings of the Planning Commission and any of its committees shall be open to the public except for executive sessions.
- E. Special Meetings and Committee of the Whole Meetings. Special and Committee of the Whole meetings may be called at any time by the Chair and must be called if requested by at least three members of the Commission.
- F. Time of Adjournment. Meetings will adjourn no later than 11:00 p.m. unless extensions are allowed by a majority of the members of the Commission present who are not recused from hearing the business under consideration at the time. Meetings may be extended past 11:30 p.m. only in accordance with Rule 13 and with consent of the Chair. No new business will be considered after 10:30 p.m. unless agreed to by a majority of the members present who are not recused from hearing the new business.

Rule 3. PUBLIC NOTICE OF MEETINGS

Notice of all meetings of the Commission and its committees shall be supplied to a newspaper of general circulation as well as posted on the City and Borough website and on the Municipal Bulletin Board.

Rule 4. STAFF ATTENDANCE

At least one Community Development Department staff member will attend all meetings of the Commission and its committees.

Rule 5. ORDER OF BUSINESS

The order of business for Planning Commission meetings shall be:

- I. Roll Call
- II. Land Acknowledgement
Request for Agenda Changes and Approval of Agenda
- III. Approval of Minutes
- IV. Brief Review of the Rules for Public Participation
- V. Public Participation on Non-Agenda Items
- VI. Items for Reconsideration

Commented [ML4]: Please fix numbering.

- VII. Consent Agenda
- VIII. Unfinished Business
- XI. Regular Agenda
- X. Board of Adjustment
- XI. Other Business
- XII. Staff Reports
- XIII. Committee Reports
- XIV. Liaison Reports
- XV. Continuation of Public Participation on Non-Agenda Items
- XVI. Planning Commission Comments and Questions
- XVII. Executive Session
- XVIII. Adjournment

Rule 6. COMMITTEES

- A. Appointment and Membership. The Chair, ~~with the approval of the Commission,~~ shall (i) appoint members to the standing committees and appoint the chairs of those committees; and (ii) create committees as deemed necessary, and appoint members and chairs of those committees. Standing committees shall consist of at least four members of the Commission. The Chair is an ex officio member of all committees; the Chair can debate and vote, but is not required for purposes of establishing the minimum quorum necessary for action. The Chair ~~can~~ counts toward establishing a quorum if present.
- B. Committee Chair. A committee chair or, in their absence, the most senior member of committee/commissioner present, shall have full responsibility for conducting the affairs of a committee and reporting the same to the Commission. Committee chairs shall act as spokespersons for their committees at public meetings and hearings. Public testimony shall be allowed at committee meetings only with permission from the Chair of that committee.
- C. Standing Committees.
 - 1. **Title 49 Committee**. The purpose of this committee is to review the land use code and recommend changes to the land use code, as needed, to the Commission.
 - 2. **Governance Committee**. The purpose of this committee is to review and recommend updates to these rules and procedures as necessary and to consider other action as may be beneficial to facilitate Commission and committee meetings and debate.
 - 3. **CIP Committee**. The purpose of this committee is to lead Commission participation in development of the annual CBJ CIP project list, including efforts to ensure the projects reflect CBJ planning priorities as enumerated in the Comprehensive Plan, detailed Area Plans, and other plans adopted by the Assembly.

Rule 7. OTHER BOARDS, COMMISSIONS AND COMMITTEES

- A. Appointment of Liaisons. Commission liaisons serve as connections to establish and maintain communication between the Commission and other boards, commissions or committees on

issues, projects and other matters of mutual concern and interest. A liaison is not a member of the other body or counted to determine a quorum, has no voting power on the body, and is encouraged, but not required, to attend all meetings of the body. The Chair, ~~with the approval of the Commission,~~ shall appoint one liaison to each of the following:

1. **Assembly Lands Committee.**
2. **Assembly Public Works and Facilities Committee.**
3. **Juneau Commission on Sustainability.**

B. Appointments to seats on other Boards, Commissions or Committees. The Chair, ~~with the approval of the Commission,~~ shall appoint members to serve on other boards, commissions and committees, in seats designated for the Commission, as follows:

1. **Wetlands Review Board.** Two members of the Commission shall be appointed to serve as full, voting members of the Wetlands Review Board.

Rule 8. PROTOCOLS FOR COMMISSIONER DEBATE AND DISCUSSIONS

- A. Speaking on the Question. In all questions and comments, members of the Commission shall endeavor to provide the Commission with relevant facts and arguments and shall strive to avoid redundancy. The Chair may disallow non-germane questions and comments. Members of the Commission, the Director of Community Development, and staff may speak more than once to the same question at the same stage of proceedings. In determining the order of speakers, the Chair shall give priority to members who have not spoken on the question.
- B. Asking Questions. After obtaining recognition from the Chair, a member may ask direct questions of another member of the Commission, City and Borough of Juneau (CBJ) staff, or of a person appearing before the Commission. All questions shall be respectful and may not be argumentative.
- C. Decorum. Members of the Commission shall not question the motives, competency, or integrity of any person except as necessary to decide a matter in which such issues are relevant. The Chair shall admonish any member violating this rule, and may, without a vote, declare a recess not to exceed ten minutes.

Rule 9. PROTOCOL FOR MEETINGS

- A. Order and Procedure for Public Hearings on Action Items:
 1. The Chair will open the hearing on an individual item for action and read the title of the matter at hand.
 2. Community Development staff will present a report and recommendation and will respond to initial Commission questions. Staff is encouraged to limit its presentation to no more than 10 minutes. Members of the Commission are encouraged to hold questions until the completion of the initial presentation.

3. The applicant or the applicant's representative will have an opportunity to present information regarding the request and respond to initial Commission questions. This presentation is limited to no more than 10 minutes. The limit shall be extended as long as necessary to answer any questions addressed to the speaker by the members of the Commission. If the applicant wishes to use electronic slides (PowerPoint or the equivalent) during a presentation, the applicant must supply an electronic version of those slides to Community Development staff no later than 12 p.m. on the Friday before the hearing. This deadline may be altered for meetings held other than at the regular meeting time.
 4. Public participation will be opened, and the public will be invited to comment. Public participation shall be carried out in accordance with Rule 10. Members of the Commission may pose questions through the Chair in accordance with Rule 8.
 5. Public participation will be closed.
 6. The applicant or the applicant's representative will have an opportunity to present additional information regarding the request and respond to questions from the Commission. This presentation shall be limited to no more than 5 minutes; this time limit shall be extended as long as necessary to answer any questions addressed to the speaker by members of the Commission. The applicant will be excused to return to his or her seat.
 7. The Commission will deliberate and make its decision.
- B. The Chair will set forth the item or subject to be discussed and will rule non-germane comments out of order.
 - C. All speakers, members of the public, and members of the Commission will be recognized by the Chair by surname.
 - D. When recognized by the Chair, staff may participate in the same manner as the members of the Commission except that staff cannot vote.
 - E. Once public participation is closed, it cannot be reopened except in accordance with Rule 13.
 - F. Except in accordance with Rule 10, remote participation by an applicant or member of the public is not permitted. An applicant or member of the public that wishes to participate at a meeting, but cannot attend the meeting, may submit comments in writing pursuant to these Rules or send a representative to present on his or her behalf. Applicants or members of the public that choose to participate remotely do so at their own risk. If remote connection is lost, the public hearing will may continue without the applicant's participation, and a decision may be rendered.

Commented [JM5]: Confirm Rule 10 is correct rule

Commented [JM6]: If phrasing is kept, should we use "may", since there's a chance a hearing could be continued?

Rule 10. PUBLIC PARTICIPATION AT MEETINGS

A. Public Testimony. Public participation in the form of oral testimony during hearings on permit applications, ordinances, resolutions, matters other than appeals, and on non-agenda items, will be conducted according to the following rules:

1. Subject Matter. Members of the public present, in person or remotely, during a hearing shall be given one opportunity to be heard during the hearing. In addition, there shall be a time during all regular Commission meetings for members of the public to address the Commission concerning any matter relevant to the Commission's jurisdiction and not on the agenda for specific public hearing at that meeting. Questions posed to Commissioners or staff will not be answered directly during the time allotted for public testimony.
2. Time Limits for Public Testimony. Unless otherwise specified by the Chair, public testimony on agenda items is limited to five minutes per speaker. The five-minute limit shall be extended as long as necessary to answer any questions addressed to the speaker by the Commission or CBJ staff. The Chair may set a different time limit if it appears necessary to gain maximum participation and conserve time and may, for the same reason, disallow questions from the Commission to members of the public. The time limit may also be changed by a majority of the Commission, which the Chair cannot overrule. Except as otherwise provided in these Rules, the time limit for individual speakers shall be uniform for all speakers and shall be strictly enforced. The time limit for public testimony on non-agenda items is limited to three minutes.
3. Representatives. Members of the public shall not have the right to transfer their unused time to another. However, an individual may speak on behalf of a group of other individuals provided that all individuals are present, either in person or remotely, during the meeting, if present in person, all individuals must have signed in on the sign-in sheet provided, and have indicated on the sign-in sheet that the representative individual will present on their behalf. If participating remotely, all individuals must have provided an email to the Director and Chair presiding officer by 12PM the day of the meeting stating that the representative individual will present on their behalf. Under these circumstances, the time limit for the oral testimony presented by the representative individual shall be extended by one minute for each individual represented up to a maximum of five additional minutes. Individuals that are represented in this manner shall not also have the right to present oral testimony for themselves. The Chair has discretion over the order in which public testimony will be taken from members of public participating in person and members of the public participating remotely.
4. Identification. Members of the public will precede their remarks by stating their names and, unless otherwise allowed by the Chair, their place of residence. The public will write this information on the sign-in sheet provided.

B. Submission of Written and/or Illustrative Material. Members of the public are encouraged to submit written comments, reports, and exhibits. Such material, especially maps, graphics,

Commented [JM7]: This is different than we discussed, but I think it could be useful for the sake of time

photographs, and responses to specific code sections, generally aids the Commission in making its decision. However, material submitted close to the hearing date, especially voluminous written material offered at a public hearing, can result in inequities. The Commission adopts this written and/or illustrative material policy to give staff and the applicant a reasonable opportunity to analyze public comments, to give the public a reasonable opportunity to submit material before and after publication of the staff report, to give the members of the Commission a reasonable opportunity to review the meeting packets, and to give the Commission the ability to balance the relevance and prejudice of any late material. Members of the public should assume that the members of the Commission have read all materials submitted in advance of the hearing.

1. **Publication of Staff Report.** The original staff report should be published by close of business eight days before the hearing (Monday). If justice so requires, the Director may extend the publishing deadline to close of business six days before the hearing (Wednesday).
2. **Timely Material for Packet.**
 - a) Material—including public comments, applicant comments, and supplemental staff reports—submitted to the Community Development Department before noon four days before the hearing (Friday at noon) is considered timely submitted and will be included in a packet for that meeting. Material submitted less than four days before a meeting is subject to the late submittal policy below. If justice so requires and with consultation with the Chair, the Director may extend the timely material deadline to noon the day before the hearing (Monday).
 - b) If a member of the public wishes to use electronic slides (PowerPoint or the equivalent) during public testimony, an electronic version of those slides must be provided to the Community Development staff by the same deadline for timely written material.
3. **Late Material.** Maps, graphics, photographs, and no more than the equivalent of two single-sided printed pages of written information are allowed to be submitted at the hearing when a person presents. Specifically, if the applicant, staff, or member of the public wishes to submit material after the timely material deadline (Friday ~~at noon~~ **12PM**), that person or a representative for that person must (1) attend the meeting and present the material to the Commission during the opportunity for public comment, and (2) if appearing in person, provide fifteen copies of the written and/or illustrative material; if appearing remotely, email the material to the Community Development Department no later than noon the day before the hearing (Monday).
4. **Written Comments.** Written comments, with the exception of e-mail transmissions, must be signed, and the source of illustrative materials must be identified. E-mail transmissions must show the author's name. Anonymous submissions will not be accepted.

Commented [ML8]: We need to adjust for remote participation. How's this?

- C. Decorum. The Chair is responsible for ensuring that members of the public have a reasonable opportunity to address the Commission during public participation periods and for maintaining proper order and decorum throughout each meeting. Audible communication from or in the audience, including communication directed to the Commission, CBJ staff, or applicant during meetings is not allowed. The Chair shall also ensure that during oral testimony, members of the public direct their comments and questions to the Chair and not to the applicant, staff or other members of the public. Questions shall be respectful and may not be argumentative. The Chair shall admonish any member of the public violating this rule, and may, without a vote, declare a recess not to exceed ten minutes.

Rule 11. MOTIONS

- A. Seconds. Seconds to motions are not required.
- B. Renewal of Defeated Motions. Defeated motions may be renewed only under suspension of the Rules.
- C. Priority of Privileged Motions. Privileged motions shall have the following priority:
1. Fix time to adjourn
 2. Give notice of reconsideration
 3. Adjourn
 4. Recess
 5. Question of privilege of the Commission
 6. Question of personal privilege

Commented [JM9]: Ask Law for more user-friendly wording

Rule 12. CLERICAL ERRORS

Clerical errors that do not affect the substance of an ordinance or resolution, such as errors in numbering or spelling, may be corrected by the City Attorney without Commission approval upon discovery of the error.

Rule 13. VOTE REQUIRED

The affirmative vote of five members of the Commission shall be sufficient to take any action except as otherwise provided by Charter or ordinance and except in the following instances, which require the affirmative vote of at least six members:

- A. Limiting, extending, or closing debates.
- B. Suspension of the rules.
- C. Setting of or postponement of special orders.
- D. Objection to consideration of question.
- E. Motion for immediate vote (previous question).
- F. Rescind.
- G. To take up a motion for reconsideration at the meeting at which the action to be reconsidered was taken.

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Commented [JM11]: Confirm still accurate

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REPEAL AND EFFECTIVE DATE

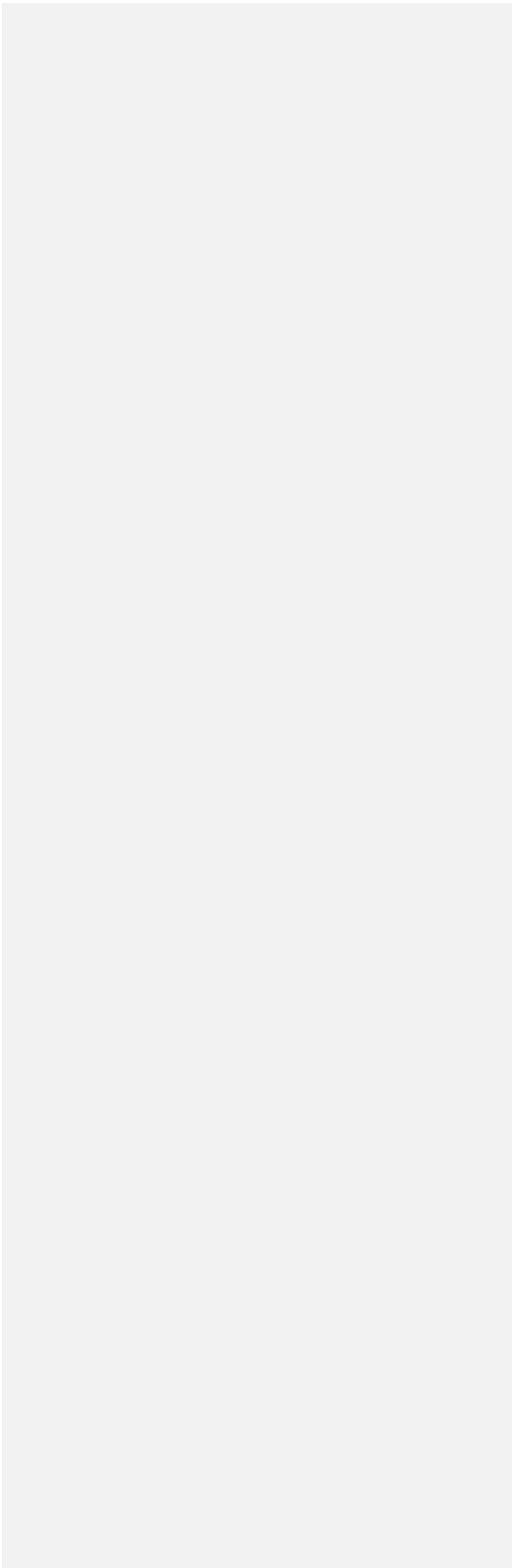
The existing Planning Commission Rules of Order are repealed, and these Rules of Order shall be effective upon filing with the City Clerk.

Michael LeVine, Chair Planning Commission

Date

Filed with the City Clerk

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CITY AND BOROUGH OF JUNEAU PLANNING COMMISSION RULES OF ORDER

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Purpose. These Rules of Order are intended to guide meetings and other operations of the City & Borough of Juneau Planning Commission in a manner that ensures consistency, fairness, and an equitable opportunity for Members of the Commission and the public to participate in an open and orderly manner.

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- C. Officer Duties:
 - 1. The Chair shall preside over regular Planning Commission meetings, establish committees, and coordinate with the CDD Director on issues including meeting agendas.
 - 2. The Vice-Chair shall preside over Committee of the Whole meetings and fulfill the duties of the Chair when the Chair is absent or otherwise unable to fulfill those obligations.
 - 3. If neither the Chair or Vice-Chair is available, another member of the Commission shall be identified to fulfill the designated duties.

Rule 2. MEETINGS

- A. Date and Time of Regular Meetings. The regular meetings of the Planning Commission shall be at 7:00 p.m. on the second and fourth Tuesdays of each month.
- B. Commission Attendance. Members of the Commission are expected to attend meetings and arrive on time. If a member of the Commission arrives after the Commission has begun proceedings on an item, that member will not be allowed to participate in the hearing on that issue and, at the Chair's discretion, may be precluded from participating in the remainder of the meeting. If a member of the Commission cannot attend a Commission or Committee meeting or will be late to a meeting, that member is expected to notify the Director and Chair with as much notice as possible. If a member is absent without providing notice, that absence will be considered unexcused. If any member reaches three unexcused absences from regular, special,

, or joins remotely,

(PV - Agree w/ MC)

and committee meetings in one calendar year, the Director will notify the Assembly Human Resources Committee (HRC).

- C. Place of Meetings. Planning Commission meetings shall be held in the Assembly Chambers at the Municipal Building at 155 South Seward Street, Juneau, Alaska, unless public notice is provided for a different location. Meetings will also be available by remote platform.
- D. All Meetings Public. All meetings of the Planning Commission and any of its committees shall be open to the public except for executive sessions.
- E. Special Meetings and Committee of the Whole Meetings. Special and Committee of the Whole meetings may be called at any time by the Chair and must be called if requested by at least three members of the Commission.
- F. Time of Adjournment. Meetings will adjourn no later than 11:00 p.m. unless extensions are allowed by a majority of the members of the Commission present who are not recused from hearing the business under consideration at the time. Meetings may be extended past 11:30 p.m. only in accordance with Rule 13 and with consent of the Chair. No new business will be considered after 10:30 p.m. unless agreed to by a majority of the members present who are not recused from hearing the new business.

14?

Rule 3. PUBLIC NOTICE OF MEETINGS

Notice of all meetings of the Commission and its committees shall be supplied to a newspaper of general circulation as well as posted on the City and Borough website and on the Municipal Bulletin Board.

Rule 4. STAFF ATTENDANCE

At least one Community Development Department staff member will attend all meetings of the Commission and its committees.

Rule 5. ORDER OF BUSINESS

The order of business for Planning Commission meetings shall be:

- I. Roll Call
- II. Land Acknowledgement
- Request for Agenda Changes and Approval of Agenda
- III. Approval of Minutes
- IV. Brief Review of the Rules for Public Participation
- V. Public Participation on Non-Agenda Items
- VI. Items for Reconsideration
- VII. Consent Agenda
- VIII. Unfinished Business
- XI. Regular Agenda
- X. Board of Adjustment
- XI. Other Business

Comment [ML2]: Please fix numbering.

- #1's.
- XII. Staff Reports
 - XIII. Committee Reports
 - XIV. Liaison Reports
 - XV. Continuation of Public Participation on Non-Agenda Items
 - XVI. Planning Commission Comments and Questions
 - XVII. Executive Session
 - XVIII. Adjournment

Rule 6. COMMITTEES

- A. Appointment and Membership. The Chair shall (i) appoint members to the standing committees and appoint the chairs of those committees; and (ii) create committees as deemed necessary, and appoint members and chairs of those committees. Standing committees shall consist of at least four members of the Commission. The Chair is an ex officio member of all committees; the Chair can debate and vote but is not required for purposes of establishing the minimum quorum necessary for action. The Chair counts toward establishing a quorum if present.
- B. Committee Chair. A committee chair or, in their absence, the most senior member of committee present, shall have full responsibility for conducting the affairs of a committee and reporting the same to the Commission. Committee chairs shall act as spokespersons for their committees at public meetings and hearings. Public testimony shall be allowed at committee meetings only with permission from the chair of that committee.
- C. Standing Committees.
 - 1. **Title 49 Committee**. The purpose of this committee is to review the land use code and recommend changes to the land use code, as needed, to the Commission.
 - 2. **Governance Committee**. The purpose of this committee is to review and recommend updates to these rules and procedures as necessary and to consider other action as may be beneficial to facilitate Commission and committee meetings and debate.
 - 3. **CIP Committee**. The purpose of this committee is to lead Commission participation in development of the annual CBJ CIP project list, including efforts to ensure the projects reflect CBJ planning priorities as enumerated in the Comprehensive Plan, detailed Area Plans, and other plans adopted by the Assembly.

Rule 7. OTHER BOARDS, COMMISSIONS AND COMMITTEES

- A. Appointment of Liaisons. Commission liaisons serve as connections to establish and maintain communication between the Commission and other boards, commissions or committees on issues, projects and other matters of mutual concern and interest. A liaison is not a member of the other body or counted to determine a quorum, has no voting power on the body, and is encouraged, but not required, to attend all meetings of the body. The Chair shall appoint one liaison to each of the following:

- 1. **Assembly Lands Committee.**

Housing, and Economic Development Committee.

(PV - Revise to new name & scope)

2. Assembly Public Works and Facilities Committee.

3. Juneau Commission on Sustainability.

B. Appointments to seats on other Boards, Commissions or Committees. The Chair shall appoint members to serve on other boards, commissions and committees, in seats designated for the Commission, as follows:

1. **Wetlands Review Board.** Two members of the Commission shall be appointed to serve as full, voting members of the Wetlands Review Board.

Rule 8. PROTOCOLS FOR COMMISSIONER DEBATE AND DISCUSSIONS

- A. Speaking on the Question. In all questions and comments, members of the Commission shall endeavor to provide the Commission with relevant facts and arguments and shall strive to avoid redundancy. The Chair may disallow non-germane questions and comments. Members of the Commission, the Director of Community Development, and staff may speak more than once to the same question at the same stage of proceedings. In determining the order of speakers, the Chair shall give priority to members who have not spoken on the question.
- B. Asking Questions. After obtaining recognition from the Chair, a member may ask direct questions of another member of the Commission, City and Borough of Juneau (CBJ) staff, or of a person appearing before the Commission. All questions shall be respectful and may not be argumentative.
- C. Decorum. Members of the Commission shall not question the motives, competency, or integrity of any person except as necessary to decide a matter in which such issues are relevant. The Chair shall admonish any member violating this rule, and may, without a vote, declare a recess not to exceed ten minutes.

Rule 9. PROTOCOL FOR MEETINGS

- A. Order and Procedure for Public Hearings on Action Items:
 1. The Chair will open the hearing on an individual item for action and read the title of the matter at hand.
 2. Community Development staff will present a report and recommendation and will respond to initial Commission questions. Staff is encouraged to limit its presentation to no more than 10 minutes. Members of the Commission are encouraged to hold questions until the completion of the initial presentation.
 3. The applicant or the applicant's representative will have an opportunity to present information regarding the request and respond to initial Commission questions. This presentation is limited to no more than 10 minutes. The limit shall be extended as long as necessary to answer any questions addressed to the speaker by the members of the Commission. If the applicant wishes to use electronic slides (PowerPoint or the

~

equivalent) during a presentation, the applicant must supply an electronic version of those slides to Community Development staff ~~no later than 12 p.m. on the Friday before the hearing. This deadline may be altered for meetings held other than at the regular meeting time.~~

in accordance with Rule 10. (11?)

4. Public participation will be opened, and the public will be invited to comment. Public participation shall be carried out in accordance with Rule 10. Members of the Commission may pose questions through the Chair in accordance with Rule 8.
5. Public participation will be closed.
6. The applicant or the applicant's representative will have an opportunity to present additional information regarding the request and respond to questions from the Commission. This presentation shall be limited to no more than 5 minutes; this time limit shall be extended as long as necessary to answer any questions addressed to the speaker by members of the Commission. The applicant will be excused ~~to return to his or her seat.~~
7. The Commission will deliberate and make its decision.

(11?)

(PV - Not needed.)

- B. The Chair will set forth the item or subject to be discussed and will rule non-germane comments out of order.
- C. All speakers, members of the public, and members of the Commission will be recognized by the Chair by surname.
- D. When recognized by the Chair, staff may participate in the same manner as the members of the Commission except that staff cannot vote.
- E. Once public participation is closed, it cannot be reopened except in accordance with Rule 13.

or inappropriate . PV

(14)?

- F. Except in accordance with Rule 10, remote participation by an applicant or member of the public is not permitted. An applicant or member of the public that wishes to participate at a meeting, but cannot attend the meeting, may submit comments in writing pursuant to these Rules or send a representative to present on his or her behalf. Applicants or members of the public that choose to participate remotely do so at their own risk. If remote connection is lost, the public hearing may continue without the applicant's participation.

Comment [JM3]: Confirm Rule 10 is correct rule

(Implies that an applicant is not required to be present, either in person or electronically. If this is intended, perhaps say so explicitly. PV.)

Rule 10. PUBLIC PARTICIPATION AT MEETINGS

- A. Public Testimony. Public participation in the form of oral testimony during hearings on permit applications, ordinances, resolutions, matters other than appeals, and on non-agenda items, will be conducted according to the following rules:
 1. Subject Matter. Members of the public present, in person or remotely, during a hearing shall be given one opportunity to be heard during the hearing. In addition, there shall be a time during all regular Commission meetings for members of the public to address the

Commission concerning any matter relevant to the Commission's jurisdiction and not on the agenda for specific public hearing at that meeting. Questions posed to Commissioners or staff will not be answered directly during the time allotted for public testimony.

2. Time Limits for Public Testimony. Unless otherwise specified by the Chair, public testimony on agenda items is limited to five minutes per speaker. The five-minute limit shall be extended as long as necessary to answer any questions addressed to the speaker by the Commission or CBJ staff. The Chair may set a different time limit if it appears necessary to gain maximum participation and conserve time and may, for the same reason, disallow questions from the Commission to members of the public. The time limit may also be changed by a majority of the Commission, which the Chair cannot overrule. Except as otherwise provided in these Rules, the time limit for individual speakers shall be uniform for all speakers and shall be strictly enforced. The time limit for public testimony on non-agenda items is limited to three minutes.

Public

(differentiated from applicant representative)

3. Representatives. Members of the public shall not have the right to transfer their unused time to another. However, an individual may speak on behalf of a group of other individuals provided that all individuals are present, either in person or remotely, during the meeting. If present in person, all individuals must have signed in on the sign-in sheet provided, and have indicated on the sign-in sheet that the representative individual will present on their behalf. If participating remotely, all individuals must have provided an email to the Director and Chair by 12PM the day of the meeting stating that the representative individual will present on their behalf. Under these circumstances, the time limit for the oral testimony presented by the representative individual shall be extended by one minute for each individual represented up to a maximum of five additional minutes. Individuals that are represented in this manner shall not also have the right to present oral testimony for themselves. The Chair has discretion over the order in which public testimony will be taken from members of public participating in person and members of the public participating remotely.

Comment [JM4]: This is different than we discussed, but I think it could be useful for the sake of time

4. Identification. Members of the public will precede their remarks by stating their names and, unless otherwise allowed by the Chair, their place of residence. The public will write this information on the sign-in sheet provided.

and applicants' representatives, as appropriate,

- B. Submission of Written and/or Illustrative Material. Members of the public are encouraged to submit written comments, reports, and exhibits. Such material, especially maps, graphics, photographs, and responses to specific code sections, generally aids the Commission in making its decision. However, material submitted close to the hearing date, especially voluminous written material offered at a public hearing, can result in inequities. The Commission adopts this written and/or illustrative material policy to give staff and the applicant a reasonable opportunity to analyze public comments, to give the public a reasonable opportunity to submit material before and after publication of the staff report, to give the members of the Commission a reasonable opportunity to review the meeting packets, and to give the Commission the ability to balance the relevance and prejudice of any late material. Members of

, if present in person,

(Recommend we split this into Rule 11 and re-number)

the public should assume that the members of the Commission have read all materials submitted in advance of the hearing.

1. **Publication of Staff Report.** The original staff report should be published by close of business eight days before the hearing (Monday). If justice so requires, the Director may extend the publishing deadline to close of business six days before the hearing (Wednesday).

2. **Timely Material for Packet.**

- a) Material—including public comments, applicant comments, and supplemental staff reports—submitted to the Community Development Department before noon four days before the hearing (Friday at noon) is considered timely submitted and will be included in a packet for that meeting. Material submitted less than four days before a meeting is subject to the late submittal policy below. If justice so requires and with consultation with the Chair, the Director may extend the timely material deadline to noon the day before the hearing (Monday).

- b) If a member of the public wishes to use electronic slides (PowerPoint or the equivalent) during public testimony, an electronic version of those slides must be provided to the Community Development staff by the same deadline for timely written material.

3. **Late Material.** Maps, graphics, photographs, and no more than the equivalent of two single-sided printed pages of written information are allowed to be submitted at the hearing when a person presents. Specifically, if the applicant, staff, or member of the public wishes to submit material after the timely material deadline (Friday 12PM), that person or a representative for that person must (1) attend the meeting and present the material to the Commission during the opportunity for public comment, and (2) if appearing in person, provide fifteen copies of the written and/or illustrative material; if appearing remotely, email the material to the Community Development Department no later than noon the day before the hearing (Monday).

Comment [ML5]: We need to adjust for remote participation. How's this?

4. **Written Comments.** Written comments, with the exception of e-mail transmissions, must be signed, and the source of illustrative materials must be identified. E-mail transmissions must show the author's name. Anonymous submissions will not be accepted.

Decorum. The Chair is responsible for ensuring that members of the public have a reasonable opportunity to address the Commission during public participation periods and for maintaining proper order and decorum throughout each meeting. Audible communication from or in the audience, including communication directed to the Commission, CBJ staff, or applicant during meetings is not allowed. The Chair shall also ensure that during oral testimony, members of the public direct their comments and questions to the Chair and not to the applicant, staff or other members of the public. Questions shall be respectful and may not be argumentative. The Chair

(KEEP UNDER RULE 10)

shall admonish any member of the public violating this rule, and may, without a vote, declare a recess not to exceed ten minutes.

¹²
Rule 11. MOTIONS

- A. Seconds. Seconds to motions are not required.
- B. Renewal of Defeated Motions. Defeated motions may be renewed only under suspension of the Rules.
- C. Priority of Privileged Motions. Privileged motions shall have the following priority:
 - 1. Fix time to adjourn
 - 2. Give notice of reconsideration
 - 3. Adjourn
 - 4. Recess
 - 5. Question of privilege of the Commission
 - 6. Question of personal privilege

Comment [JM6]: Ask Law for more user-friendly wording

(Yes - good to flesh out a bit.)

¹³
Rule 12. CLERICAL ERRORS

Clerical errors that do not affect the substance of an ordinance or resolution, such as errors in numbering or spelling, may be corrected by the City Attorney without Commission approval upon discovery of the error.

¹⁴
Rule 13. VOTE REQUIRED

The affirmative vote of five members of the Commission shall be sufficient to take any action except as otherwise provided by Charter or ordinance and except in the following instances, which require the affirmative vote of at least six members:

- A. Limiting, extending, or closing debates.
- B. Suspension of the rules.
- C. Setting of or postponement of special orders.
- D. Objection to consideration of question.
- E. Motion for immediate vote (previous question).
- F. Rescind.
- G. To take up a motion for reconsideration at the meeting at which the action to be reconsidered was taken.
- H. Reopen public participation.
- I. Extend a meeting past 11:30 p.m.

Charter 3.16 (e) allows the prevailing vote to be reduced by one vote for every two members of the Commission who are present, but who do not vote because they have a conflict of interest or have been excused from voting by a vote of all the remaining members of the Commissioners who may vote on the question. However, the prevailing vote may not be reduced to less than one-third of the membership of the Commission. A quorum of the Commission shall consist of a

majority of the full membership.

¹⁵
Rule 14. PUBLIC PARTICIPATION CONFINED TO THAT AGENDA ITEM

No person except a member of the Commission, the Director of Community Development, the City Attorney, planner assigned to the agenda item, and other CBJ staff, may participate in Commission proceedings other than through opportunities provided for applicant presentations and public participation. Public participation shall be permitted on a motion to recess into executive session prior to the vote on such a motion. Public participation shall be permitted on all items on the agenda other than items before the Commission for information purposes.

Unless specifically authorized at the meeting by a majority of the Commission or by the Chair, public participation shall not be permitted at the Committee of the Whole meetings, committee meetings, and meetings advertised as work sessions only.

¹⁶
Rule 15. RECONSIDERATION

- A. What May Be Reconsidered. Main motions, amendments to main motions, privileged motions involving substantive questions, and appeals are subject to reconsideration. Procedural motions may not be reconsidered.
- B. Who May Reconsider. Any member of the Commission, whether or not that member voted on the prevailing side, may give notice of or move for reconsideration.
- C. Effect of Notice. The effect of giving notice of reconsideration is to suspend all action on the subject of the notice until a motion for reconsideration is made and acted upon or until the time within which the motion for reconsideration may be made and acted upon has expired.
- D. Time in Which Notice Must Be Taken Up. A notice of reconsideration expires unless a motion for reconsideration is made and acted upon prior to adjournment of the next regular meeting succeeding the meeting at which the action to be reconsidered occurred.
- E. Successive Reconsideration. There may be only one reconsideration even if the action of the Commission after reconsideration is opposite from the action of the Commission before reconsideration.
- F. Precedence. A motion for reconsideration has precedence over every main motion and may be taken up at any time during the meeting when there is no other motion on the floor.
- G. Effect. A successful motion for reconsideration completely cancels the previous vote on the question to be reconsidered as though the previous vote had never been taken. The motion for reconsideration is debatable to the same extent as the underlying motion.

¹⁷
Rule 16. REMOTE PARTICIPATION

- A. A member of the Commission may participate remotely in regular or special Commission meetings, Committees of the Whole, or committee meetings, if the member identifies appropriate circumstances preventing physical attendance at the meeting in advance.

*as soon as practical for
meetings they need to*

- B. Members of the Commission shall notify the Director and the presiding officer ~~by Friday 12PM directly preceding the meeting which the member proposes to~~ attend remotely. For meetings taking place in person, no more than three members of the Commission may participate in a meeting remotely. The first three members of the Commission that inform the Director and Chair that they intend to participate remotely are permitted to do so; any additional members of the Commission who cannot attend in person will not be allowed to participate remotely and will be considered absent.
- C. A member of the Commission participating remotely shall be counted as present for purposes of quorum, discussion, voting, and attendance.
- D. A member of the Commission participating remotely shall make every effort to participate in the entire meeting. From time to time during the meeting the presiding officer shall confirm the connection.
- E. The member of the Commission participating remotely may ask to be recognized by the presiding officer to the same extent as any other member.
- F. If the Chair participates remotely at any meeting, the Vice-Chair or otherwise identified member of the Commission shall preside.
- G. To the extent reasonably practicable, the Director shall provide meeting materials to the member of the Commission participating remotely.
- H. If the remote connection cannot be made or is made and then lost, the meeting shall commence or continue as scheduled. The Secretary shall attempt to establish or restore the connection. If the member of the Commission participating remotely is necessary to achieve a quorum and the connection is lost, the meeting shall take an at-ease, recess, or adjourn as necessary until the remote connection is established or restored.
- I. Meeting times shall be expressed in Alaska Time regardless of the time at the location of any member of the Commission participating remotely.
- J. Remote communication shall be audible to all members of the Commission, staff, and the public in attendance at the meeting.
- K. Except as provided in Rule 17, remote participation by members of the Commission is prohibited for appeal hearings. In-person attendance is required.
- L. As used in these Rules, "remote" means any system for synchronous two-way voice communication (e.g. telephone) or video conferencing technology. If a member of the Commission participates remotely, video conferencing is preferred.

Comment [ML7]: Let's discuss—why do we need more than a few hours warning for remote participation?

(yes -- illness, family difficulties, etc.)

18. Rule 17. REMOTE MEETING ALTERNATIVES

*(If renumbering is approved,
revised as needed)*

- A. Special considerations, such as health advisories, may require the suspension of in-person Planning Commission meetings. In those situations, alternative protocols for remote meetings will be utilized.
- B. For remote meetings:
 - a. Rules 9(F), 10(A)(3), 10(B)(2)(a), 10(B)(3), 16(A), and 16(B) will be suspended;
 - b. Any materials that the applicant wishes to use as part of a presentation during the hearing must be submitted electronically to CDD no later than the Thursday before the meeting. If it is not possible to submit materials electronically, the applicant should call CDD to arrange delivery of materials;
 - c. Written public comment must be received via email by 12PM the Friday prior to the scheduled meeting; and
 - d. Members of the public may participate remotely to provide verbal comment during the public hearing.
- C. Additional protocols may be developed by the Chair and CDD Director for review and adoption by the full Commission. Such alternate meeting protocols will follow the general rules and procedures for the Planning Commission as closely as practical, with the broadest public access and participation, consistent with the available system technical capabilities.
- D. Members of the Commission and staff will maintain decorum matching that expected of public meetings.

Comment [JM8]: Confirm still accurate

Comment [ML9]: See above, do we need this?

*ALL COVERED
EARLIER, JUST
REFERENCE
RULE 10, 11*

^{19.} Rule 18. ADOPTION OF ROBERT'S RULES OF ORDER

Meetings shall be conducted according to Robert's Rules of Order, 11th Edition.

REPEAL AND EFFECTIVE DATE

The existing Planning Commission Rules of Order are repealed, and these Rules of Order shall be effective upon filing with the City Clerk.

Michael LeVine, Chair Planning Commission

Date

Filed with the City Clerk

Date